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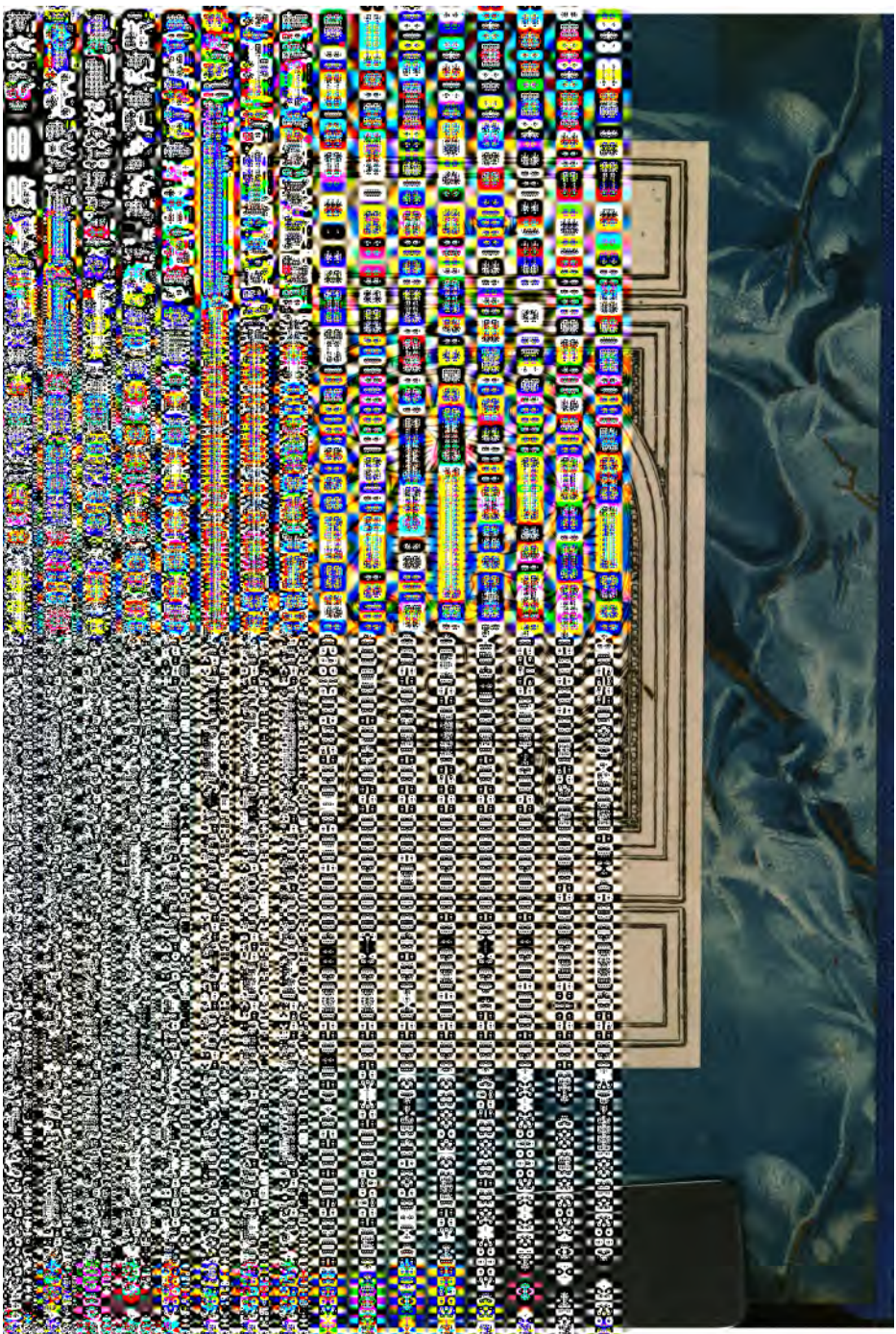
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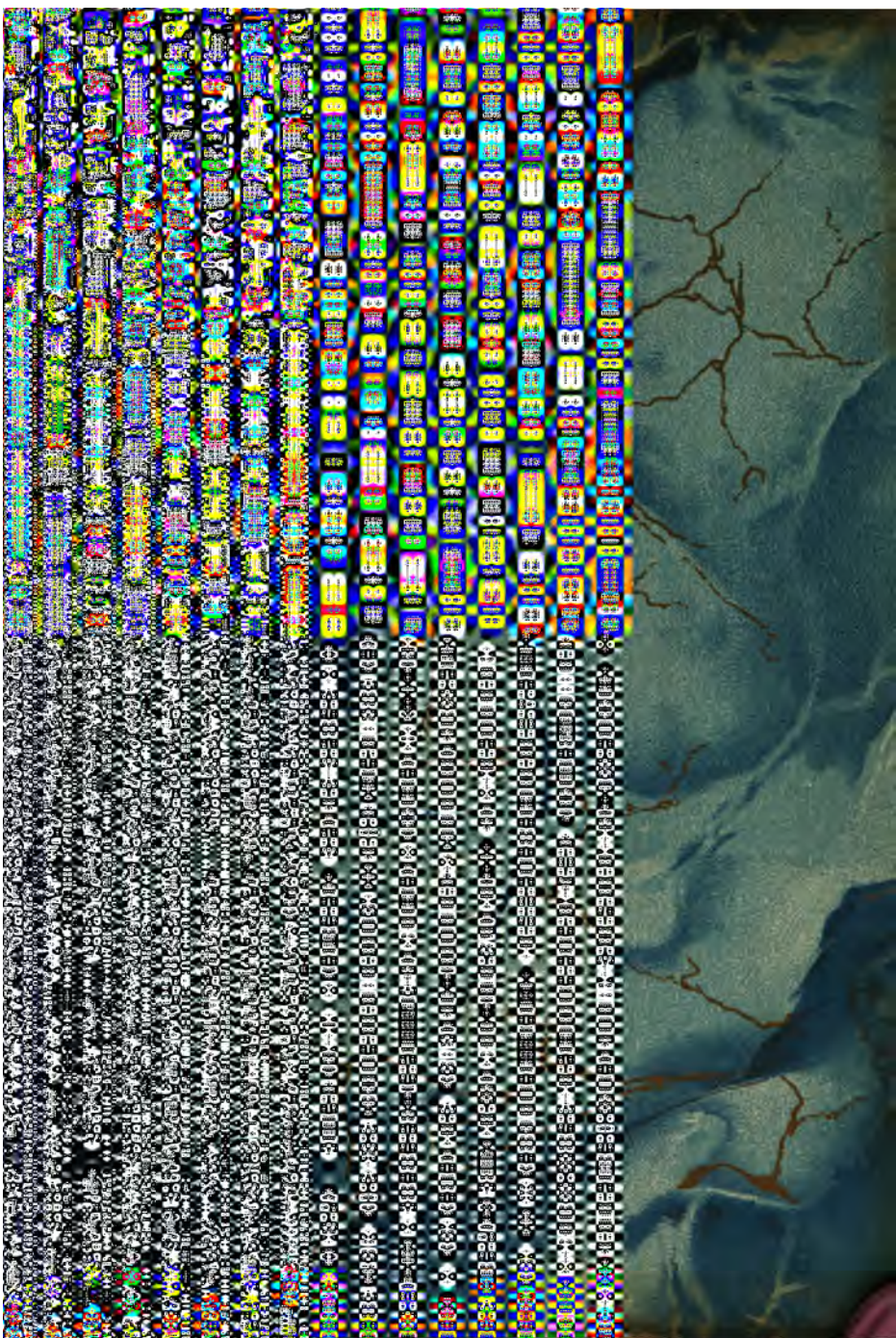
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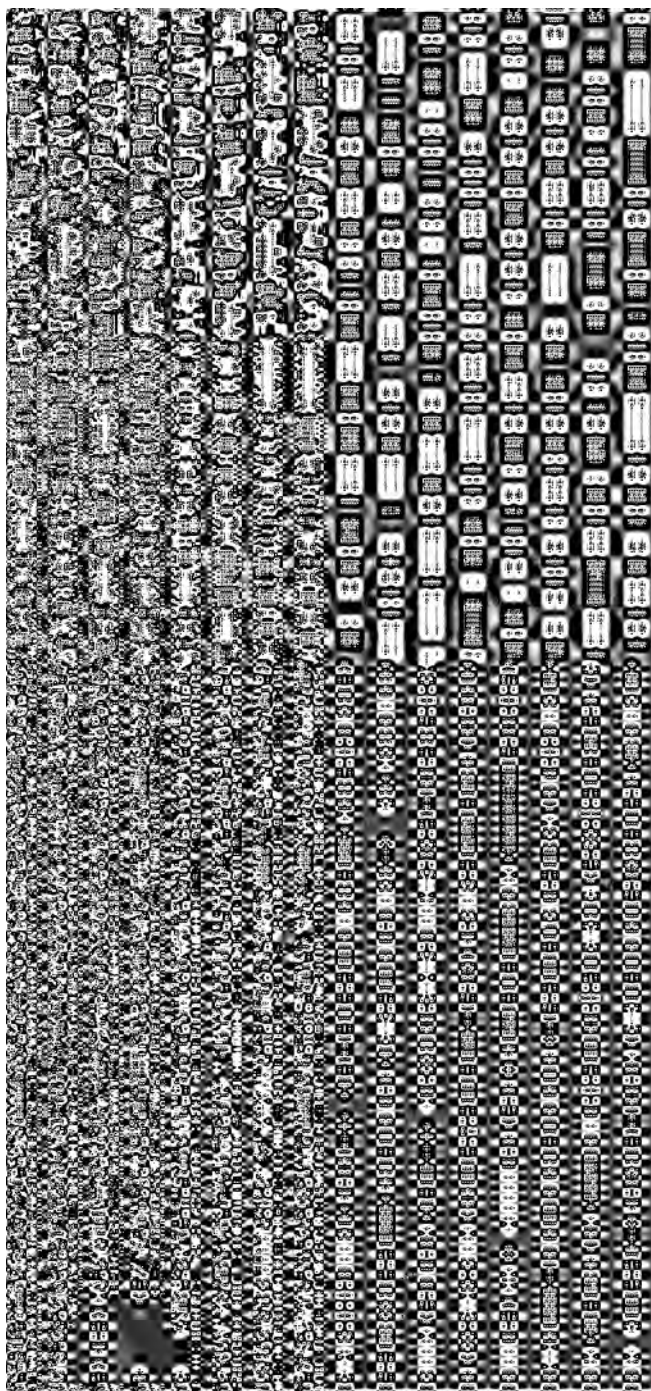






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THE INITIATIVE AND REFERENDUM: STATE LEGISLATION

C. H. TALBOT

COMPARATIVE LEGISLATION BULLETIN—No. 21—JUNE, 1910
Prepared with the co-operation of the Political Science
Department of the University of Wisconsin

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Introductory letter containing proposed initiative measures for 1910, with explanations of same. Portland, Ore., Aug. 1909.

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A report made to the department of state by the American vice-consul at Berne, Switzerland, May, 1906.

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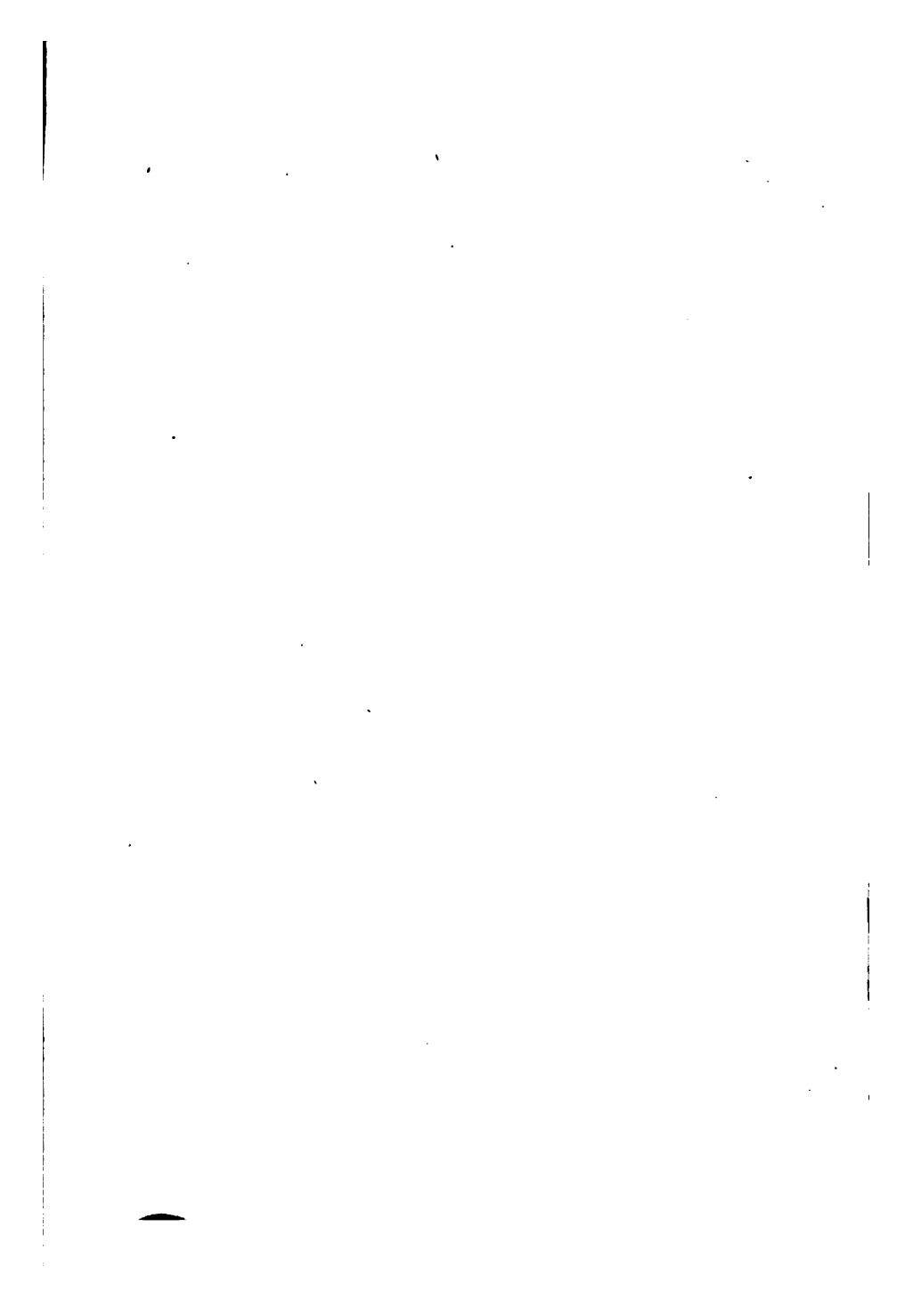
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Contains a good bibliography on the subject, and reprints of a number of articles on both sides of the question.



HISTORY

The "Initiative" and the "Referendum" are new terms for old institutions.

The initiative¹ may be defined as the power the people reserve to themselves to propose laws and amendments to the constitution and to enact or reject the same at the polls, independent of the legislature.

The referendum¹ may similarly be defined as the power the people reserve to themselves to approve or reject at the polls any act passed by the legislative assembly.

The forms of the initiative and the referendum may be described as obligatory or as optional in their operation upon the electorate, and as advisory or mandatory in their operation upon the legislature.

The referendum is obligatory when a law must be submitted to the people, and optional when a law is submitted only upon petition by a certain number of voters.

Under the mandatory initiative and referendum,

¹ Compare the definitions in the constitutions of Me., Const. (Amend. 1908) art. 4, part 1, sec. 1; Mo., Const. (Amend. 1908) art. 4, sec. 1; Mont. Const. (Amend. 1908) art. 5, sec. 1; Okla., Const. 1907, art. 5, sec. 1; Ore. Const. (Amend. 1902) art. 4, sec. 1; S. D. Const. (Amend. 1908) art. 3, sec. 1; and in the proposed amendments for Ark. Acts, 1908, p. 1238; and Nev. Statutes, 1908-9, p. 347.

THE INITIATIVE AND REFERENDUM

the direct vote of the people is conclusive in the enactment of legislation. Under the advisory system, the voters can instruct their representatives by direct ballot. To make the system effective it is necessary to pledge representatives to obey the will of their constituents when expressed by referendum vote.

Public opinion laws merely secure the expression of public opinion on questions of public policy.

Early Uses of Direct Legislation

Local legislation

The Swiss Landsgemeinde illustrates an early use of direct legislation in local affairs. The old New England town meeting, where measures were proposed and adopted or rejected at the will of the electors, affords another typical example.

The state-wide initiative and referendum

The state-wide referendum for the adoption of state constitutions is a familiar institution in the United States.

The first constitution submitted to a direct vote of the people was that proposed by the General Court of Massachusetts in 1778.

At the present time Delaware is the only state in the Union in which a referendum is not required for the adoption of constitutional amendments.

The state-wide initiative for constitutional amendments was first provided for in the Georgia Constitution of 1777, in the following language:—

“Art. LXIII. No alteration shall be made in this constitution, without petitions from a majority of the counties, and the petition from each county to be signed by a majority of voters in each county within this state; at which time the

assembly shall order a convention to be called for that purpose, specifying the alterations to be made, according to the petitions preferred to the assembly by the majority of the counties as aforesaid. Thorpe, *American Charters, Constitutions and Organic Laws*, vol. 2, p. 785.

For other instances of direct legislation in our early history see Connecticut (*Fundamental Orders of Connecticut*, 1638-39), Thorpe, (*American charters, constitutions, etc.*, vol. 1, p. 522); and Rhode Island (*Charter of Rhode Island and Providence Plantations*), vol. 6, pp. 3214-16.

The right to instruct

The right to instruct representatives was commonly exercised in the early constitutional history of this country.

The constitution of Massachusetts, adopted in 1780, expressly asserts the right of the people "to give instructions to their representatives." In 1783 the instructions from Boston ran: "It is our unalienable right to communicate to you our sentiments; and when we shall judge it necessary or convenient, to give you instructions on any special matter, and we expect you will hold yourselves at all times bound to attend to and to observe them."

For other instances of the express reservation of the right to instruct, see the Const. of Pa., 1776, art. XVI. (Thorpe, *American charters, constitutions, etc.*, vol. 5, p. 3084); the Const. of N. C., 1776, art. XVIII. (*id.*, vol. 5, p. 2788); and the Const. of N. H., 1784, art. XXXII. (*id.*, vol. 4, p. 2457).

The reference of acts by legislatures

After the adoption of written constitutions, a number of judicial decisions were handed down which held that the reference of an act to a vote of the people of a state was a delegation of legislative power and therefore unconstitutional.

For early decisions putting forth the above doctrine, see the following cases directly in point: *Rice v. Foster*, 4 Har-

ring. (Del.), 479 (1847); Thorne v. Cramer, 15 Barb. 112 (1851); Bradley v. Baxter, 15 Barb. 122 (1853); and Barto v. Himrod, 8 N. Y. 483 (1853); and Santo v. State, 2 Ia. 165 (1855). See also *dicta* in the following cases: Parker v. Commonwealth, 6 Pa. St. 507 (1847); State v. Copeland, 3 R. I. 33 (1854); Stein v. Mayor, 24 Ala. 591 (1854); State v. Swisher, 17 Tex. 441 (1856); State ex rel. Dome v. Wilcox, 45 Mo. 458 (1870); and State ex rel. Sandford v. Court of Common Pleas, 36 N. J. Law, 72 (1872).

For the contrary doctrine, and sustaining of such acts, see Johnson v. Rich, 9 Barb. 680 (1851); State v. Parker, 26 Vt. 357 (1854), and Smith v. Janesville, 26 Wis. 291 (1870), cases directly in point. Also *dicta* in Wales v. Belcher, 20 Mass. 508 (1827); People v. Reynolds, 5 Gilman (Ill.) 1 (1848); L. & N. R. R. Co. v. County Court, 33 Tenn. 637 (1854); State v. Noyes, 30 N. H. 279 (1855); Bull v. Read, 54 Va. (13 Grat.) 78 (1855); Manly v. Raleigh, 57 N. C. 370 (1859); Alcorn v. Hamer, 38 Miss. 652 (1860), and Locke's Appeal, 72 Pa. St. 491 (1873).

The following are leading cases on the two sides:

Holding state-wide reference of an act to the people unconstitutional: Rice v. Foster, Thorne v. Cramer, Bradley v. Baxter, Barto v. Himrod, and Santo v. State, all cited above; State v. Hayes, 61 N. H. 264 (1881); and opinions of the Justices, 160 Mass. 586 (1894). Also indicating such reference to be unconstitutional in *dicta*: Parker v. Commonwealth, State v. Copeland, State ex rel. Dome v. Wilcox, and State ex rel. Sandford v. Court of Common Pleas, all cited above; and Wright v. Cunningham, 115 Tenn. 445 (1905).

Holding state-wide reference of an act to be constitutional and valid: Johnson v. Rich, State v. Parker, Smith v. Janesville, all cited above, and State ex rel. Van Alstine v. Frear (Wis) 125 N. W. 961 (1910). Also indicating such reference to be constitutional in *dicta*: Wales v. Belcher, People v. Reynolds, L. & N. R. R. Co. v. County Court, Bull v. Read, Manly v. Raleigh, Alcorn v. Hamer, and Locke's Appeal, all cited above; Fell v. State, 42 Md. 71 (1875); Clarke v. Rogers, 81 Ky. 43 (1883); and Rutter v. Sullivan, 23 W. Va. 427 (1885).

The present status of the question is as follows:

Holding it unconstitutional: Del., Ia., Mass., N. H., N. Y.

Holding it constitutional: Vt., Wis.

Not adjudicated, but with dicta indicating such reference to be unconstitutional: Md., N. J., Tenn., Tex., Utah, Wash.

Not adjudicated, but with dicta indicating it constitutional and valid: Ala., Ark., Cal., Ga., Ill., Kan., Minn., Miss., N. C., Pa., R. I., S. C., Va., W. Va.

Reference prohibited by express constitutional provision: Ind., Ohio, and Ky. (except in certain specified cases).

Reference expressly permitted by constitutional provision: Me., Mich., Mo., Mont., Okla., Ore.

Special constitutional provisions

The adoption of constitutional provisions which expressly require the reference to a vote of the people of legislative acts on specified questions, is the next step in the history of direct legislation in the United States.

Provisions for the obligatory state-wide referendum on special questions are found quite generally in our state constitutions. They cover a variety of questions including suffrage, state boundaries and annexations of territory, the location of the seat of government and of state institutions, apportionment, the incurring of state indebtedness, the loaning of the state credit, banks and banking, state aid to railways, taxation, appropriations, sale of school lands, and provisions for education.

For typical illustrations of the obligatory referendum compare the following constitutional provisions:

Suffrage. Colo. Const. 1876, art. 7, sec. 2; N. D. Const. 1889, art. 5, sec. 122; S. D. Const. 1889, art. 7, sec. 2, Wis., Const. 1848, art. 3, sec. 1.

State boundaries and annexations of territory. W. Va. Const. 1872, art. 6, sec. 11.

Location of seat of government. Colo. Const. 1876, art. 8, sec. 2; Kan. Const. 1859, art. 15, sec. 8; Mont. Const. 1889, art. 10, sec. 2; Ore. Const. 1857, art. 14, sec. 1; Pa. Const. 1873, art. 3, sec. 28; S. D. Const. 1889, art. 20; Wash. Const. 1889, art. 14, sec.-1.

Location of state institutions. Tex. Const. 1876, art. 7, secs. 10 and 14; Wyo. Const. 1889, art. 7, sec. 23.

Apportionment. W. Va. Const. 1872, art. 6, sec. 50.

Public Credit. Cal. Const. 1879, art. 16; Colo. Const. 1876, art. 11, sec. 5; Idaho Const. 1889, art. 8, sec. 1; Ill. Const. 1870, art. 4, sec. 18; Ia. Const. 1857, art. 7, sec. 5; Kan. Const. 1859,

art. 11, sec. 6; Ky. Const. 1891, sec. 50; Mo. Const. 1875, art. 4, sec. 44; Mont. Const. 1889, art. 13, sec. 2; N. J. Const. 1844, art. 4, sec. 6; N. Y. Const. art. 7, sec. 4; R. I. Const. 1844, art. 4, sec. 13; S. C. Const. 1895, art. 10, sec. 11; Wash. Const. 1889, art. 8, sec. 3; Wyo. Const. 1889, art. 16, sec. 2.

Banks and banking. Ill. Const. 1870, art. 11, sec. 5; Ia. Const. 1857, art. 8, sec. 5; Kan. Const. 1859, art. 13, sec. 8; Mo. Const. 1875, art. 12, sec. 26; and Wis. Const. 1848, art. 11, sec. 5. Wisconsin provided for a double referendum, first, to determine whether a law should be submitted, and then by a second referendum, whether the law submitted should be adopted. (Changed by the amendment of 1902.)

State aid to railways. Minn. Const. (Amend. 1860) art. 9, sec. 2.

Taxation. Colo. Const. 1876, art. 10, sec. 11; Idaho Const. 1889, art. 7, sec. 9; Ill. Const. 1870, art. 4, sec. 33; Mont. Const. 1889, art. 12, sec. 9; Utah Const. 1895, art. 13, sec. 7.

Appropriations for public buildings. Colo. Const. 1876, art. 11, secs. 3-5; Ill. Const. 1870, art. 4, sec. 33.

Sale of school lands. Kan. Const. 1859, art. 6, sec. 5.

Provisions for education. Tex. Const. 1876, art. 7, secs. 10 and 14.

Recent constitutional amendments

Within recent years a number of states have adopted constitutional provisions establishing the initiative and referendum for general state legislation. These amendments provide for the optional initiative and referendum, whereas the older constitutional provisions for the referendum on special state questions are obligatory.

For recent constitutional provisions for direct state legislation, see S. D. Const. (Amend. 1898) art. 3, sec. 1; Utah, Const. (Amend. 1900) art. 6, secs. 1 and 22; Ore. Const. (Amend. 1902) art. 4, sec. 1; Nev. Const. (Amend. 1904) art. 19, secs. 1 and 2, (provides referendum only); Mont. Const. (Amend. 1906) art. 5, sec. 1; Okla. Const. 1907, art. 5, secs. 1-4, 6-8, and art. 24, sec. 3; Me. Const. (Amend. 1908) art. 4, part 1, sec. 1; id., part 3, sec. 1, and secs. 16-22; Mo. Const. (Amend. 1908) art. 4, sec. 1.

For proposed constitutional amendments, see Ark., Acts, 1909, p. 1238; Nev., Statutes, 1908-9, p. 347.

Advisory systems

The difficulty of securing constitutional amendments for the initiative and referendum has led to the development of other methods for securing at least partial systems of direct state legislation.

Public opinion laws. A public opinion system was enacted in Illinois in 1901. The electors of that state have voted upon a number of legislative questions; but as the candidates for the legislature were not pledged to obey the wishes of their constituents, these expressions of opinion have not been very effective in securing the legislation desired.

See Ill. Rev. Stats., 1905, c. 46, secs. 428, 429, p. 967 (Ill. Laws, 1901, p. 198).

The advisory system within parties. The advisory system within the parties at primary elections was adopted in Texas in 1905.

See Tex. Laws, 1905, First called session, c. 11, sec. 140.

Validity of the initiative and referendum.

The validity of state constitutional amendments reserving to the people the right of the initiative and referendum is firmly established.

The clause in the Federal Constitution which has been used as the basis for attack upon such provisions is art. 4, sec. 4: "The United States shall guarantee to every state in this union a republican form of government . . ."

In this connection the courts have held,

1. (a) That the jurisdiction over, and enforcement of, the above guaranty belongs to Congress.

"When the senators and representatives of a state are admitted into the councils of the union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority, and its decision is binding on every other department of the government, and could not be questioned in a judicial tribunal." *Luther v. Borden*, 7 How. (48 U. S.) 1, 42 (1849). Re-affirmed in *Texas v. White*, 7 Wall. (74 U. S.) 700 (1869), and *Taylor v. Beckham*, 178 U. S. 548 (1900). And

(b) It is a matter of public record that senators and representatives from S. D., Utah, Ore., Mont., Okla., Me., and Mo., (all states having the initiative and referendum) have all been, and are, "admitted into the councils of the union."

2. (a) "The state constitutions in force at the time of the adoption of the federal constitution afford unmistakable evidence of what was republican in form, within the meaning of that term as employed in the constitution," and were guaranteed as republican in form by that instrument. *Minor v. Happersett*, 21 Wall. (88 U. S.) 162 (1875).

(b) The initiative powers upon constitutional amendments was expressly provided in the constitution of Georgia of 1777 (art. LXIII), (which was in force as the organic law of that state at the time of adoption of the federal constitution.)

3. "The initiative and referendum amendment does not abolish or destroy the republican form of government, or substitute another in its place. . . . The people have simply reserved to themselves a larger share of legislative power." *Kadderly v. Portland*, 44 Ore. 118 (1903), re-affirmed in *Oregon v. Pacific States Telephone and Telegraph Co.*, 53 Ore. 162

(1909), and followed in *Ex parte Wagner*, 21 Okla. 33 (1908). Also, see *State ex rel Lavin, et al. v. Bacon, et al.*, 14 S. D. 394 (1901), upholding the S. D. amendment.

"For additional decisions on direct legislation, see *Hopkins v. Duluth*, 81 Minn. 189 (1900); *in re Pfahler*, 150 Cal. 71 (1906); and *Eckerson v. Des Moines*, 137 Ia. 452 (1908).

For further references upon this matter, see *The Federalist*, No. 21 (by Hamilton) and No. 43 (by Madison); James Wilson, *Works*, vol. 1, p. 544 ("A Republic or Democracy, where the people at large retain the supreme power, and act either collectively or by representation.") Montesquieu, *Spirit of Laws*, vol. 1, Book 3, chapters 1-4; *Story on the Constitution*, 4th ed., vol. 2, c. 41, pp. 567-574; and Cooley, *Const. Lim.*, 7th ed., c. 2, pp. 42-45. Compare also Lincoln's "Government of the people, by the people, for the people." (Gettysburg Address.)

The federal constitution of Switzerland, c. 1, art. 6, guarantees to every canton (state) a republican form of government, "representative or democratic."

LAWS AND JUDICIAL DECISIONS²

Foreign countries

*Switzerland.*³ Fed. Const. 1874, art. 89. Federal laws, enactments, and resolutions are to be passed only by the agreement of the two councils. Federal laws must be submitted for acceptance or rejection by the people if the demand is made by 30,000 voters or by 8 cantons. The same principle applies to federal resolutions which have a general application, and which are not of an urgent nature.

art. 120. Whenever either council of the Federal Assembly passes a resolution for a complete revision of the federal constitution and the other council does not agree, or when 50,000 voters demand a complete revision, the question whether the federal constitution ought to be amended is, in either case, to be sub-

² The present study concerns itself only with the initiative and the referendum for general state legislation. Constitutional provisions for the obligatory referendum on special state questions, and state legislation relating to the initiative and referendum in local affairs, are not considered.

³ See United States, 57th Cong., 2nd sess., House of Rep. doc. no. 1 (in serial no. 4440), p. 981-94, for an excellent account of the Swiss referendum and initiative, by Arthur S. Hardy, formerly U. S. minister to Switzerland. See, also, the recent report to the Department of State by Leo J. Frankenthal, American vice-consul, Berne, Switzerland, May, 1908, on "The Initiative in Switzerland," (found in United States, 61st Cong., 1st sess., Senate doc. no. 126.)

mitted to a referendum vote, and if the majority of the citizens who vote pronounce in the affirmative, there must be a new election of both councils for the purpose of undertaking the revision.

Fed. Law, June 17, 1874. This law provides the procedure for referendums.

Fed. Const. (Amend. 1891) art. 121. Partial revision may take place by popular initiative or in the manner provided for the passage of federal laws. The initiative may be invoked by the petition of 50,000 voters asking for the enactment, the abolition, or the amendment of certain articles of the federal constitution. When several subjects are proposed for amendment or for enactment in the federal constitution by means of the initiative, each must form the subject of a special petition. Petitions may be presented in general terms or as a completed proposal of amendment. When a petition is presented in general terms and the Federal Assembly is in agreement therewith, it is the duty of that body to draw up a project of partial revision in accordance with the sense of the petitioners, and to submit it to the people and the cantons for acceptance or rejection. If the Federal Assembly is not in agreement with the petition, the question of revision must be submitted to the vote of the people, and if the majority of those voting express themselves in the affirmative, the Federal Assembly must proceed with the revision in conformity with the popular decision.

When a petition is presented in the form of a completed project of amendment, and the Federal As-

sembly is in agreement therewith, the project must be referred to the people and the cantons for acceptance or rejection. In case the Federal Assembly is not in agreement with it, that body may prepare a project of its own, or recommend the rejection of the proposed amendment, and it may submit its own counter-project or its recommendations for rejection at the same time that the initiative petition is submitted to the vote of the people and the cantons.

art. 123. The amended federal constitution, or the revised portion thereof, is in force when it has been adopted by a majority of the citizens voting thereon, and by a majority of the cantons. In making up a majority of the cantons the vote of a half-canton is counted as half a vote.

Fed. Law, June 27, 1892. This law provides the mode of procedure for the initiative.

The Cantons. All the cantons have the initiative and referendum upon constitutional amendments; and all except Fribourg, upon statutes.

Great Britain. The question of introducing the referendum to settle disputes between the two houses has been discussed in the British Parliament.

See the Parliamentary Debates for June 24, 1907, p. 911, 924-5.

The question was somewhat widely debated in the recent budgetary campaign (1909-10).

Commonwealth of Australia. Const. 1900. This constitution was ratified by referendum vote taken in the separate colonies in Australia from 1899 to 1900. Under chapter 8, section 128, of the constitution, proposed amendments must be submitted to a referendum vote. A double majority is required for ratification

namely, a majority of all the electors voting and also a majority vote in more than half of the states.

Norway. An interesting use of the referendum was made by the people of Norway in their separation from Sweden. A Resolve of the Storting on July 28, 1905, provided for a referendum vote of the electors of the whole country to decide the question of the dissolution of the union. The referendum took place on August 13, 1905, and resulted in a practically unanimous vote for the dissolution.

United States

Arkansas. (Proposed Const. Amend.) Acts of Ark., 1909, pp. 1238-1240. The initiative and referendum apply to both statutes and constitutional amendments. Emergency acts are excepted from the application of the referendum.

Initiative petitions must be signed by 8 per cent of the legal voters, must include the full text of the measure proposed, and be filed with the secretary of state not less than four months before the election at which they are to be voted upon.

Referendum petitions must be signed by at least 5 per cent of the voters, and must be filed not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded. The legislative assembly may order a referendum on any act. The veto power of the governor does not extend to measures referred to the people.

Any measure referred to the people shall take effect and become a law when it is approved by a majority of the votes cast thereon.

Illinois. Rev. Stats., 1905, c. 46, Secs. 428-9, p. 967. (Laws, 1901, p. 198.) Under this law the submission of any question for an expression of public opinion may be secured on a written petition signed by 10% of the registered voters of the state. The petition must be filed with the proper election officers not less than sixty days before the election at which the question is to be considered. Not more than three propositions may be submitted at the same election and they are to be submitted in the order of filing.

Maine. Const. (Amend. 1908) art. 4, part 1, secs. 1 and 16-22. Resolves, 1907, c. 121, pp. 1476-81. This amendment applies to statutory but not to constitutional law. Certain specific exemptions are also made for statutory law.

Emergency bills are not subject to the referendum. Such bills may include measures immediately necessary for the preservation of the public peace, health, or safety, but may not include (1) an infringement of the right of home rule for municipalities; (2) a franchise or license to a corporation or an individual, extending longer than one year; or (3) provision for the sale, or purchase, or renting for more than five years of real estate. The emergency and also the facts creating the same must be set forth in the preamble of the act. A two-thirds vote of all the members elected to each house is necessary to pass an emergency measure.

Initiative bills may propose any measure, including bills to amend or repeal emergency legislation, but not to amend the state constitution. The petition must

set forth the full text of the measure proposed and be signed by not less than 12,000 electors, and be filed with the secretary of state or presented to either branch of the legislature at least 30 days before the close of its session. Proposed measures must be submitted to the legislature, and unless they are enacted without change, they must be submitted to the electors together with any amended form, substitute, or recommendation of the legislature, in such a manner that the people can choose between the competing measures, or reject both. When there are competing bills and neither receives a majority of the votes given for and against both, the one receiving the most votes is to be resubmitted by itself at the next general election, to be held not less than sixty days after the first vote thereon; but no measure is to be resubmitted unless it has received more than one-third of the votes given for and against both. An initiative measure enacted by the legislature without change is not to be referred unless a popular vote is demanded by a referendum petition. The veto power of the governor does not extend to any measure approved by vote of the people, and if he vetoes any measure initiated by the people and passed by the legislature without change and his veto is sustained by the legislature, the measure is to be referred to the people at the next general election.

The legislature may enact measures expressly conditioned upon the people's ratification by referendum vote.

Petitions for a reference of any act or any part or

parts thereof, passed by the legislature must be signed by not less than 10,000 electors, and be filed within ninety days after the recess of the legislature. The governor is required to give notice of the suspension of acts through referendum petitions and make public proclamation of the time when the referred measure is to be voted upon. Referred measures do not take effect until thirty days after the governor has announced their ratification by a majority of the electors voting thereon. If so requested in any initiative or referendum petition, a special election shall be held upon the act to be referendumed or the act initiated but not enacted without change by the legislature.

Missouri. Const. (Amend. 1908) Art. 4, Sec. 1. Laws 1907, p. 452-3. The initiative and referendum apply to both statutory law and to constitutional amendments. Initiative petitions require not more than 8% of the legal voters in each of at least two-thirds of the congressional districts in the state. Every petition must include the full text of the measure proposed, and must be filed not less than four months before the election at which it is to be voted upon.

The referendum may be ordered upon a petition signed by 5% of the legal voters in each of at least two-thirds of the congressional districts, or by the legislative assembly. Emergency measures are exempt from the referendum. Laws making appropriations for the current expenses of the state government, for the state institutions, and for the public schools are also exempt. Referendum petitions must

be filed not more than ninety days after the final adjournment of the legislative session. The veto power of the governor does not extend to measures referred to the people. A referred measure becomes a law when approved by a majority of the votes cast thereon.

Laws, 1909, pp. 554-6. This act establishes the procedure to facilitate the operation of the initiative and referendum provisions of the constitution. It specifically provides for the form of initiative and referendum petitions; the verification of signatures; judicial proceedings; the duties of officials relating to petitions; the manner of voting on measures; what measure shall be paramount in case of conflict; the canvass and returns of votes on measures, and for proclamations on paramount measures; and the penalties for violation of this act.

Montana. Const. (Amend. 1906) art. 5, sec. 1. Direct legislation is established for statutory, but not for constitutional law. Certain specific exemptions are also made for statutory law. The referendum may not be invoked for emergency measures.

Initiative petitions require 8% of the legal voters from two-fifths of the whole number of counties of the state. They must include the full text of the measure proposed, and must be filed not less than four months before the election at which they are to be voted upon.

Referendum petitions require 5% of the voters from each of two-fifths of the counties and they must be filed not later than six months after the final adjourn-

ment of the legislative session. The legislative assembly may also refer any act.

Any measure referred to the people is to remain in full force and effect unless the referendum petition is signed by 15% of the legal voters of a majority of the whole number of the counties of the state, in which case, the law remains inoperative until it is passed upon at an election and the result has been determined as provided by law. The veto power of the governor does not extend to measures referred to the people.

Rev. Codes, 1907, vol. 1, part III, title I, c. II, art. X., secs. 106-115, (Laws, 1907, c. 62). This law establishes the procedure for carrying the direct legislation provisions of the constitution into effect. It definitely sets forth the requirements as to the form of petitions; the verification of signatures; the duties of officials in submitting petitions; the publication and distribution of the title and text of measures and of arguments; the manner of conducting the elections and of canvassing the vote; and the proclamation of the governor declaring the enactment of the approved measures.

Provision is made for the official distribution of the text of measures to all the electors in the state. In addition, arguments for or against any proposed measures may be supplied at the expense of the parties interested; and such arguments when printed in pamphlet form of specified size and style, will be mailed by the state bound in with the official copy of the measure to each voter.

Parties filing initiative petitions may supply argu-

ments for and opposing parties may supply arguments against the measures proposed. In the case of referendums, any person may supply arguments for or against the referred measures; but the secretary of state is not obliged to receive any pamphlets for distribution unless a sufficient number is furnished to supply one to every legal voter in the state.

Nevada. Const. (Amend., 1904) art. 19, secs. 1 and 2. A referendum may be ordered on petition of 10% of the voters. When a majority of the electors voting at a state election by their votes signify approval of a law or resolution, such law or resolution stands as the law of the state, and cannot be overruled, annulled, set aside, suspended, or in any way made inoperative except by the direct vote of the people. When such majority so signifies disapproval the measure is void and of no effect.

Statutes, 1908-9, c. 188. This law provides the procedure for submitting acts of the legislature to a vote of the people in accordance with the referendum provisions of the constitution. Petitions must be filed with the secretary of state not less than four months before the general election. The act provides for the verification of signatures; the duty of officials in submitting the question; and the counting and canvassing of the votes cast thereon.

(Proposed Const. Amend.) Statutes of Nev. 1908-9, Resolution No. XVI, part 347-349. The initiative and referendum power is reserved to the people, and applies to laws and constitutional amendments.

Initiative petitions require 10% of the qualified elec

tors and must be filed with the secretary of state not less than thirty days before any regular session of the legislature. The secretary of state transmits the same to the legislature as soon as it convenes and organizes. Such measures take precedence of all measures of the legislature except appropriation bills, and must be enacted or rejected without change or amendment within forty days. If it is enacted by the legislature and approved by the governor it becomes a law, but is subject to referendum petition.

If it is rejected by the legislature, or if no action is taken thereon within forty days, the secretary of state must submit the same to the voters for approval or rejection at the next general election; and if a majority of the votes cast thereon approve of it, it becomes a law and takes effect from the date of the official declaration of the vote. An initiative measure so approved by the voters cannot be annulled, set aside or appealed by the legislature within three years.

If the legislature rejects an initiative measure, it may, with the approval of the governor, propose a different measure on the same subject, in which event both measures must be submitted to the voters at the next general election. If the conflicting measures submitted shall both be approved by a majority of the votes severally cast for and against each of them the measure receiving the highest number of affirmative votes thereupon becomes a law as to all conflicting provisions.

This amendment is self-executing but legislation may be enacted especially to facilitate its operation.

Oklahoma. Const. 1907, art. 5, secs. 1-4, 6-8, and art. 24, sec. 3. The initiative and referendum apply to constitutional and to statutory law. Emergency measures are exempt from the referendum provisions.

Legislative measures may be proposed by 8%, and amendments to the constitution by 15% of the legal voters. Initiative petitions must contain the full text of the measure proposed.

A referendum may be ordered by 5% of the legal voters. Petitions for referred measures must be filed not more than ninety days after the final adjournment of the legislature. Petitions and orders for the initiative and referendum must be filed with the secretary of state and be addressed to the governor who must submit them to the people.

Initiative measures require a majority of the votes cast at the election, while only a majority of the votes cast on a referred measure are necessary to give it effect. The referendum may be demanded by the people against one or more items, sections, or parts of any act of the legislature. The legislature may refer any act to a vote of the people. The veto power of the governor does not extend to measures voted on by the people.

The explicit statement is also inserted that "the reservation of the powers of the initiative and referendum shall not deprive the legislature of the right to repeal any law, or propose or pass any measure which may be consistent with the constitution of the state and the constitution of the United States."

In the light of the experience of older states that have adopted direct legislation in state affairs, this statement seems superfluous. The provisions of the state constitutions which reserve direct legislative power to the people do not contemplate the restriction of initiative power in the legislature; the power constitutionally delegated to representatives to initiate measures or to repeal laws still remains. The people merely reserve the right to propose measures and to enact or reject either initiative or legislative measures independent of the legislative assembly. For a discussion of this point, see *Kadderly v. Portland*, 44 Or. 118 (1903).

Gen. Stats., 1908, c. 36, (Laws, 1907-8, c. 44). This act carries into effect the initiative and referendum powers of the above constitutional provisions. It prescribes the forms of initiative and referendum petitions, and provides for the verification of signatures. Provisions are made for judicial proceedings; the wording of the ballot; title of the measure; proclamation by the governor giving the substance of the measure and the date of the referendum vote thereon; the publication and distribution to all the voters of the state of a pamphlet containing the text of the measures to be voted upon and arguments for and against the same; resubmission for a measure receiving the greatest number of votes, if it has received more than one-third of the votes cast for and against both bills, in the case of competing measures both of which were defeated; the canvass and return of votes and proclamation by the governor in the case of the adoption of conflicting measures; and penalties for violation of this act.

The procedure prescribed is not mandatory, but if substantially followed is sufficient.

The publication and distribution of the text of pro-

posed measures and of arguments favoring or opposing them is as follows: Arguments shall be prepared for and against each measure to be submitted to a vote of the people of the state, the length of arguments not to exceed 2,000 words for each side, of which one-fourth may be in answer to opponents' arguments. For one side the arguments shall be prepared by a joint committee of the house and senate, and for the other by a committee representing the petitioners. When the legislature submits a competing bill the argument against it is prepared by the committee that prepared the affirmative for the opposing bill. Where the legislature submits any other question the argument for the negative is prepared by a committee representing the members in the legislature who voted against the substance of the measure. The first part of each argument must be completed not later than two weeks after the governor's announcement of the submission of the measure. Twenty-five copies must be filed with the secretary of state who must at once deliver twenty-three copies to the chairman of the opposing committee. Each committee must file its answer within two weeks. In no case, however, shall the time be so great as to bring the completion of the argument nearer than 100 days before any regular election, or 40 days before any special election, at which the measure is to be voted upon. Where the time for preparing the arguments is less than four weeks, it is divided equally between the two parties.

Before the primary election held prior to the general

election the secretary of state must forward to the county clerk pamphlets containing copies of the measures, arguments, official ballot, (and a table of contents) in sufficient numbers to supply all the voters in all the counties of the state and an additional number equal to ten per cent of such number of voters. At the time of furnishing the primary election supplies, each county clerk must furnish each election inspector his quota for each precinct wherein a primary is to be held, and it is made the duty of the inspector to furnish every voter a copy of the pamphlet on the day of the primary election. All copies remaining, must be preserved by the inspector and be by him distributed to electors who are unsupplied with same. Provisions is also made for the distribution of pamphlets before a special referendum election.

Oregon. Const. (Amend., 1902) art. 4, sec. 1. The initiative and referendum apply to constitutional and to statutory law, but the referendum may not be invoked upon emergency measures.

Every initiative petition must contain the full text of the measure proposed, must be signed by at least 8% of the legal voters, and must be filed not less than four months before the election at which it is to be voted upon.

Referendum petitions must be signed by at least 5% of the voters, and must be filed not more than ninety days after the final adjournment of the legislative assembly. The legislative assembly may order a referendum on any act. The veto power of the

governor does not extend to measures referred to the people.

Any measure referred to the people becomes a law when it is approved by a majority of the votes cast thereon.

"The initiative and referendum amendment does not abolish or destroy the republican form of government or substitute another in its place. The representative character of the government still remains. The people have simply reserved to themselves a larger share of legislative power. . . .

"Under this amendment, it is true, the people may exercise a legislative power, and may, in effect, veto bills passed and approved by the legislature and the governor; but the legislative and executive departments are not destroyed. . . . Laws proposed and enacted by the people under the initiative laws of the amendment are subject to the same constitutional limitations as other statutes, and may be amended or repealed by the legislature at will." *Kadderly v. Portland*, 44 Or. 118 (1903).

Laws, 1907, c. 226. This act facilitates the operation of the initiative and referendum powers reserved by the people, regulates elections thereunder, and provides penalties for violations. The law definitely prescribes the form of initiative and referendum petitions; the manner of verifying signatures; the duties of officials in submitting measures; the method of canvassing and making returns; and the declaration of the enactment of approved measures.

The following definite provision is made for the publication and distribution of the text of proposed measures and for arguments advocating or opposing the questions submitted:—Before any election at which any proposed law or amendment to the constitution is to be submitted to the people, the secretary of state is required to have printed in pamphlet form the text of

each measure to be submitted, together with the title as it will appear on the official ballot. Parties filing initiative petitions have the right to file any arguments advocating such measures. In the case of referendums, any person has the right to file arguments for or against the referred measures. The parties offering arguments for distribution must pay all the expense for paper and printing to supply one copy with every copy of the measure to be printed by the state. The cost of printing, binding, and distributing the measures proposed, and of binding and distributing the arguments, are to be paid by the state as a part of the state printing. Within a specified time before any election at which measures are to be voted upon, the secretary of state is required to transmit copies of each measure together with the arguments submitted, to the voters within the state.

See *Stevens v. Benson*, 50 Or. 269 (1907), and *Palmer v. Benson*, 50 Or. 277 (1907).

South Dakota. Const. (Amend., 1898) art. 3, sec. 1. Under this amendment the people expressly reserve the right to propose measures which the legislature is required to enact and to submit to a vote of the electors. They also serve the right to require a referendum on any law which the legislature may have enacted, except laws necessary for the immediate preservation of the public peace, health, or safety, and laws for the support of the state government and its existing public institutions.

Not more than 5% of the qualified voters are required to invoke either the initiative or the referendum.

Comp. Laws, 1908, vol. 1, Pol. Code, secs. 21-28. Initiative petitions must contain the substance of the law desired. Referendum petitions must describe the law to be submitted by setting forth the title together with the date of passage and approval; such petitions must be filed within ninety days after the adjournment of the legislature. Initiative or referendum measures approved by a majority of the votes cast thereon become law and are to be in force immediately after the result has been officially determined. The veto power of the executive shall not be exercised as to measures referred to a vote of the people. Petitions shall be liberally construed so that the real intention of the petitioners may not be defeated by mere technicality. (Laws, 1899, c. 93, as amended by c. 166, Laws, 1907, and c. 43, Laws, 1909).

The legislature having declared that an act is an emergency measure, such determination is final, and is conclusive upon the courts. See *State ex rel. Lavin et al. v. Bacon et al.*, 14 S. D. 394 (1901).

Texas. Laws, 1905, First called session, c. 11, sec. 140. Under the primary election law, 10% of the voters in any political party may propose policies and secure a direct party vote thereon. Petitions are to be filed with the chairman of the county or precinct executive committee at least five days before the tickets are to be printed and the chairman may require a sworn statement that the names of the applicants are genuine.

The number of signatures required for a petition is to be determined by the votes cast for the party nominee for governor at the preceding election. It

is the duty of the chairman to submit any proposition for which a petition is filed, and the delegates selected at that time are to be considered instructed for whichever proposition a majority of the votes is cast.

Utah. Const. (Amend., 1900), art. 6, secs. 1 and 22. This amendment provides for direct legislation, but the amendment is not self-executing, and five successive legislatures have refused to put it in force.

SUMMARY

The leading provisions relating to direct state legislation may be summarized under six main headings, as follows:—(I) the scope of direct legislation, (II) limitations on the re-submission of measures, (III) procedure for initiative petitions, (IV) procedure for reference of measures, (V) enactment of referred measures, and (VI) penalties.

I. SCOPE OF DIRECT LEGISLATION

In the United States direct legislation has been applied to constitutional and to statutory law; it has also been employed to obtain expressions of public opinion on state affairs, and to secure instructions as to party policy within the political parties.

Constitutional law

The constitutional amendments for direct legislation in state affairs apply generally to constitutional law.

Exceptions. Some of the states exempt constitutional amendments from the operation of the initiative.

See Mont. Const. (Amend. 1906), art. 5, sec. 1; Me. (Amend. 1908) Resolves, 1907, c. 121, pp. 1476-1481.

Statutory law

As regards statutory law, some of the amendments provide for specific exceptions to the use of direct legislation, and nearly all provide for emergency measures.

Exceptions. The specific exceptions generally relate to appropriations for the current expenses of the state government, for the maintenance of the state institutions, and for the support of the public schools.

Compare the provisions of Me., Mo., Mont., and S. D.

Emergency measures. Laws necessary for the immediate preservation of the public peace, health, or safety, are generally exempt from the operation of the referendum.

See Ark. (Proposed Const. Amend.), acts, 1909, pp. 1238-40; Me. (Amend. 1908), Resolves, 1907, c. 121; Mo. (Amend. 1908), Laws, 1907, p. 452-3; Mont. Const. (Amend. 1906) art. 5, sec. 1; Okla. Const. 1907, art. 5, sec. 2; Ore. Const. (Amend. 1902) art. 4, sec. 1; S. D. Const. (Amend. 1898) art. 3, sec. 1.

A safeguard against the undue use of emergency measures is provided in some cases by requiring the declaration of the emergency and a two-thirds majority of all the members elected to each house, for the passage of such bills.

See the provisions of the Me. Amendment.

A further safeguard against the abuse of the emergency clause by the legislature is secured by an enumeration of laws which may not be enacted as emergency measures.

Thus, the proposed amendment for Maine provides that an emergency bill shall not include (1) the infringement of the right of home rule for municipalities; (2) a franchise or a license to a corporation or an individual to extend longer than

one year; or (3) provision for the sale or purchase or renting for more than five years of real estate.

The courts have uniformly held that the question as to whether a law is necessary for the immediate preservation of the public peace, health, or safety, is for the legislature to decide and is not subject to judicial review.

See *State v. Bacon*, 14 S. D. 394 (1901); and *Kadderly v. Portland*, 44 Ore. 118, 146-51 (1903).

Public opinion laws

Public opinion system. Under public opinion laws pressure may be brought to bear upon legislators in the enactment of law.

See Ill. Rev. Stats., 1905, c. 46, secs. 428-9, p. 967 (Laws, 1901, p. 198).

Advisory system. The advisory system goes farther in the same direction and instructs representatives as to legislative action.

Party policy laws

Advisory system within the parties. The use of the advisory system within the parties at primary elections enables the voters in any political party to propose policies and secure a direct party vote thereon.

See Tex. Laws, 1905, First called sessions, c. 11, sec. 140.

II. LIMITATIONS ON THE RESUBMISSION OF MEASURES

The possible abuse of direct legislation through a frequent resubmission of defeated propositions, is provided against in one instance.

In Okla. Const. 1907, art. 5, sec. 6, any measure rejected by the people cannot be again proposed by the initiative within three years by less than 25% of the legal voters.

III. PROCEDURE FOR INITIATIVE PETITIONS

The procedure for initiative measures varies in the several states. Differences exist in the requirements for publicity, the completion of the petition, the transmission of measures to the legislature, the provision for competing bills, and the reference of initiative and of conflicting measures.

Publicity

Publicity is secured through the publication of the text of initiative measures and the distribution of arguments for and against proposed bills.

Publication of text of measure. Most of the states require the publication of the full text of initiative and referendum measures.

Compare the provisions for Mont., Nev., Okla., and Ore.

Distribution of arguments. A number of states also make provision for the distribution of arguments.

For elaborate provisions for the distribution of arguments for and against proposed measures, see Mont. Rev. Codes, 1907, vol. 1, part iii., title 1, c. 2, art. x., secs. 106-115 (Laws, 1907, c. 62); Okla. Gen. Stats., 1908, c. 36 (Laws, 1907, c. 44); and Ore. Laws, 1907, c. 226.

Completion of petition

The percentage of voters required to sign petitions, the basis of the percentage, the verification of signatures, and the method of filing petitions, vary considerably with the different states.

Percentage of voters. The percentage ranges from 5% to 15%.

The percentages for the different states are as follows: 8 per cent for Ark., Mo., Mont., Okla., and Ore.; 5 per cent for

S. D., and 10 per cent for Nev. In Mo. 8 per cent of the legal votes in each of at least two-thirds of the congressional districts is required; and in Mont., 8 per cent in each of two-fifths of the whole number of counties of the state.

Oklahoma requires 15 per cent to propose constitutional amendments. Instead of requiring a certain percentage, Me. requires a fixed number of 12,000 signatures for initiative measures.

Basis of percentage. The percentage required is uniformly based upon the vote cast at the last preceding general election.

In Ark., Mont., and S. D., the per cent is based on the vote for governor; in Ore., Mo., and Nev., on the vote for justice of the supreme court; and in Okla., on the vote for the state office receiving the highest number of votes.

Verification of signatures. The methods for verifying signatures are definitely prescribed in the laws enacted to facilitate the operation of the several amendments.

See Mo. Laws, 1909, pp. 554-558; Mont. Rev. Codes, 1907, pp. 27-33; Okla. Gen. Stats. 1908, c. 36 (Laws, 1907-8, c. 44); Ore., Laws, 1907, c. 226; and S. D. Pol. Code, 1908, pp. 8-10 (Laws, 1907, c. 62).

Filing. Provision is generally made that initiative petitions be filed with the secretary of state. The time for filing varies according to whether the petition is to be presented to the legislature, or is to be voted upon by the people without legislative consideration.

Time. The time for filing is not less than four months before the election in Ark., Mo., Mont., and Ore.; not less than thirty days before any regular session in Nev.; and at least thirty days before the close of the session in Me.

Transmission of measures to legislature

The requirement that all proposed measures be transmitted to the legislature gives opportunity for

public hearings, for testimony, for debate, and for deliberative consideration.

Compare the provisions of Me. (Amend. 1908), Resolves 1907, c. 121, and of Nev. (Proposed Const. Amend.) Stats. 1908-9, pp. 347-349.

Precedence of initiative measures. Provision is sometimes made that initiative measures take precedence over all other measures in the legislature except appropriation bills.

See the proposed amendment for Nev.

Limitations on legislative action. The provision that the legislature shall enact the measure submitted is a provision found in only one of the states.

S. D. Const. (Amend. 1898), art. 3, sec. 1.

The proposed Nevada amendment requires that the legislature enact or reject the initiative measure within forty days.

Provision for competing bills

An important feature in several states is the provision that the legislature may submit a competing bill if it disapproves of the initiative measure. This affords opportunity for deliberative consideration of conflicting measures, and gives the people a choice between the initiated bill and one submitted by the legislature.

This is provided for in Me. and in the proposed Nev. amendment.

Reference of initiative measures and of competing bills

Competing bills are to be submitted with initiative measures so that the electors may choose between them or reject both.

See Me. (Amend. 1908), Resolves, 1907, c. 121, and Nev. (Proposed Const. Amend.) Stats. 1908-9, pp. 347-9.

IV. PROCEDURE FOR REFERENCE OF MEASURES

Measures may be referred either by petition or by legislative action.

Reference by petition

The requirements for reference by petition vary both as to the percentage of voters required and the manner of filing petitions.

Percentage of voters. The required percentage ranges from 5% to 10%.

The percentages are 5 per cent for Ark., Mo., Mont., Okla., Ore., and S. D., while Nev. requires 10 per cent. The requirements for two-thirds of the congressional districts in Mo., and for two-fifths of the counties in Mont. holds for referendum as well as for initiative petitions. Me. requires a fixed number of 10,000 signatures.

Mont. has a provision that any measure referred to the people is to remain in full force unless the petition is signed by 15 per cent of the legal voters of a majority of the whole number of counties of the state, in which case the law remains inoperative until it is passed upon at an election and the result is officially determined.

Basis of percentage. The basis of the required percentage is the same as for initiative petitions.

Filing. Petitions are to be filed with the secretary of state within a specified time.

Time. The time for filing is not less than ninety days after the legislative session in Ark., Ore., Okla., Mo., Me., and S. D.; not later than six months after the session in Mont.; and not less than four months before the general election in Nev.

Reference by legislative action

Legislatures are expressly authorized to enact measures conditioned upon their approval by the people, on a referendum vote.

Compare the constitutional provisions of Ark., Mo., Mont., Okla., and Ore.

Duty of officials

In submitting initiative and referendum petitions to a vote of the people, the secretary of state and all other officers are to be guided by the general laws until legislation is especially provided.

Compare the provisions of Ark., Me., Mo., Mont., and Ore.

V. ENACTMENT OF REFERRED MEASURES

Elections for submission of measures

Measures may be referred for enactment or rejection at general or at special elections.

General elections. The S. D. statute provides for the submission of measures at general elections only.

Special elections. Provision is made for special elections to be ordered by the legislature in Ark., Mo., Mont., and Ore.; by the legislature or the governor in Okla. and Me. Under the Me. provision the governor must order a special election, if so requested in the petition.

Veto power

The veto power of the governor does not extend to measures referred to the people.

See Ark., Me., Mo., Mont., Okla., Ore. and S. D.

The Me. amendment requires that if any measure initiated by the people and passed by the legislature without change, is vetoed by the governor, and if his veto is sustained by the legislature, the measure must be referred to the people at the next general election.

When operative

The amendments of the several states generally provide that any measure referred to a vote of the people is to become a law and be in force from the date of the official declaration that it has been approved by a majority of the votes cast thereon.

See Ark., Mo., Mont., Nev., Ore., and S. D. (statute).

In Okla. initiative measures must be approved by a majority of the votes cast at the election.

In Me. and Nev. provision is made that initiative measures enacted by the legislature without change, are not to be referred unless a referendum vote is demanded. In Me. when initiative and competing bills are submitted at the same election and neither receives a majority of the votes given for or against both, the one receiving the most votes is to be resubmitted by itself; but no measure is to be resubmitted unless it received more than one-third of the votes given for and against both.

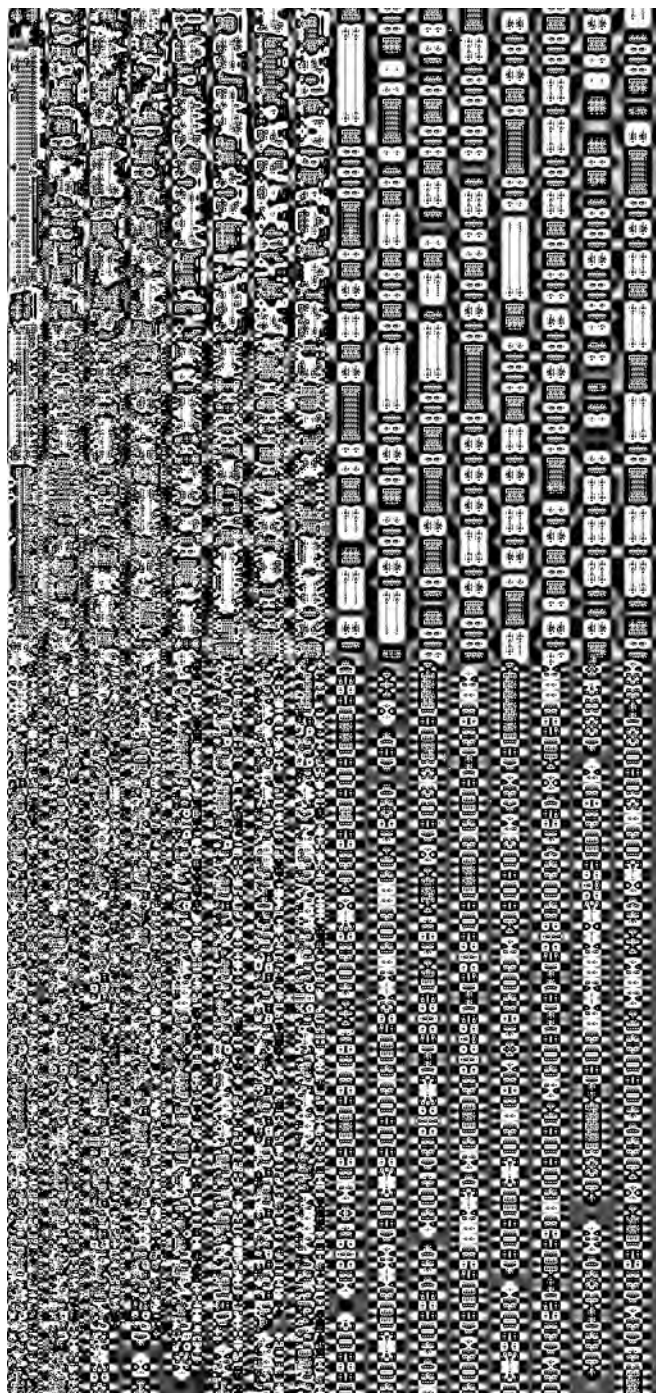
Under the Nev. provision, if conflicting measures submitted at the same election are both approved by a majority severally cast for and against each, the one receiving the highest number of affirmative votes becomes a law as to all conflicting provisions.

VI. PENALTIES

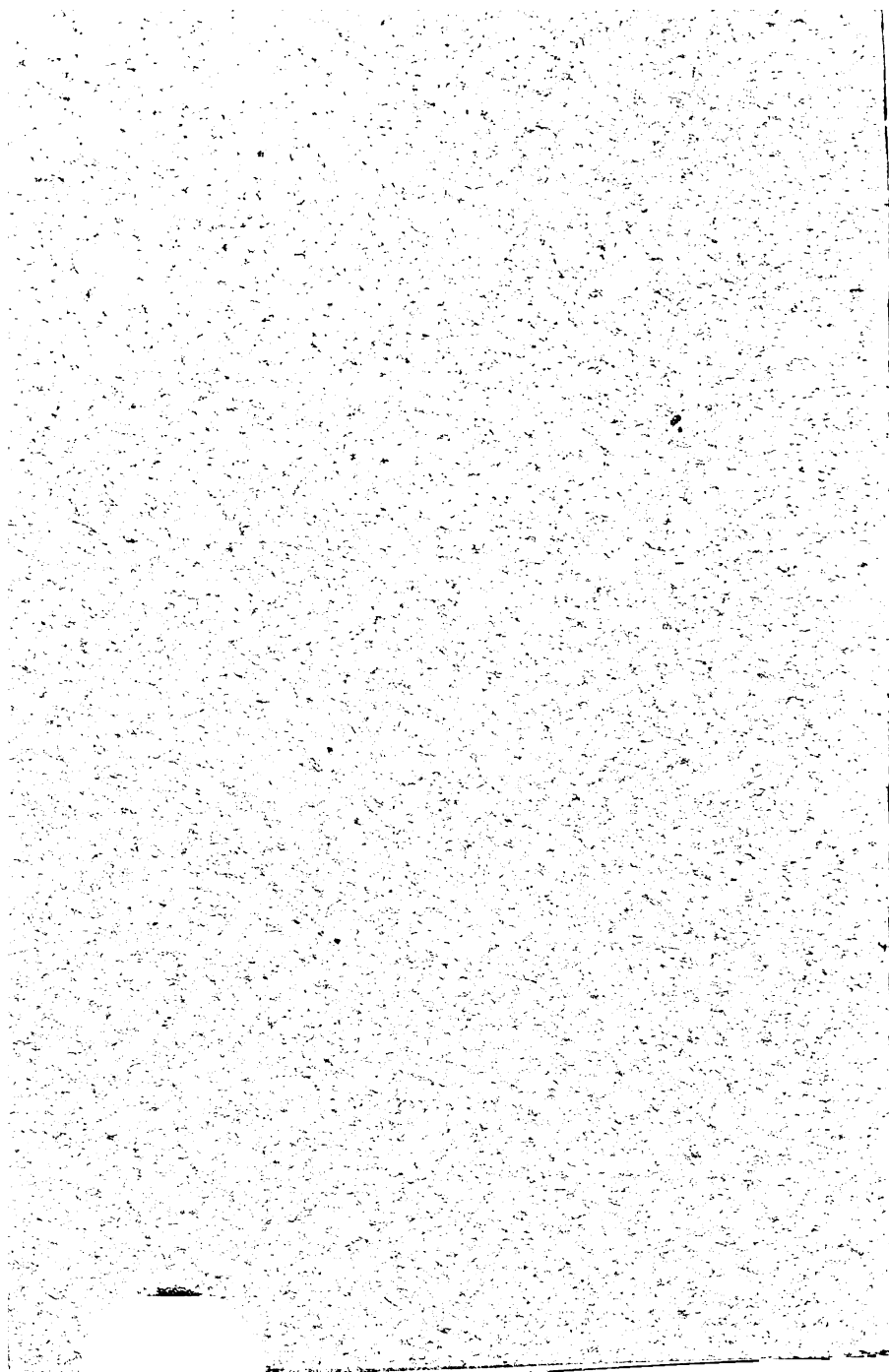
The laws enacted to facilitate the operation of the direct legislation amendments provide penalties for the unlawful signing of petitions.

In Me., Mont., Okla., Ore., and S. D., the unlawful signing of initiative or referendum petitions is punishable by fine, or by imprisonment, or both, in the discretion of the court. In S. D. Comp. Laws, 1908, vol. 1, Pol. Code, secs. 21-28 (Laws, 1899, c. 93) the fine is not to exceed \$500.00 nor the imprisonment five years. In Mo. (Laws, 1909, pp. 554-8), Mont. (Laws, 1907, c. 62), Okla. (Laws, 1907-8, c. 44), and Ore. (Laws, 1907, c. 226) the fine is fixed at the same limit and the imprisonment is not to exceed two years.

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ANTS



CERTIFIED PUBLIC ACCOUNTANTS

LAURA SCOTT

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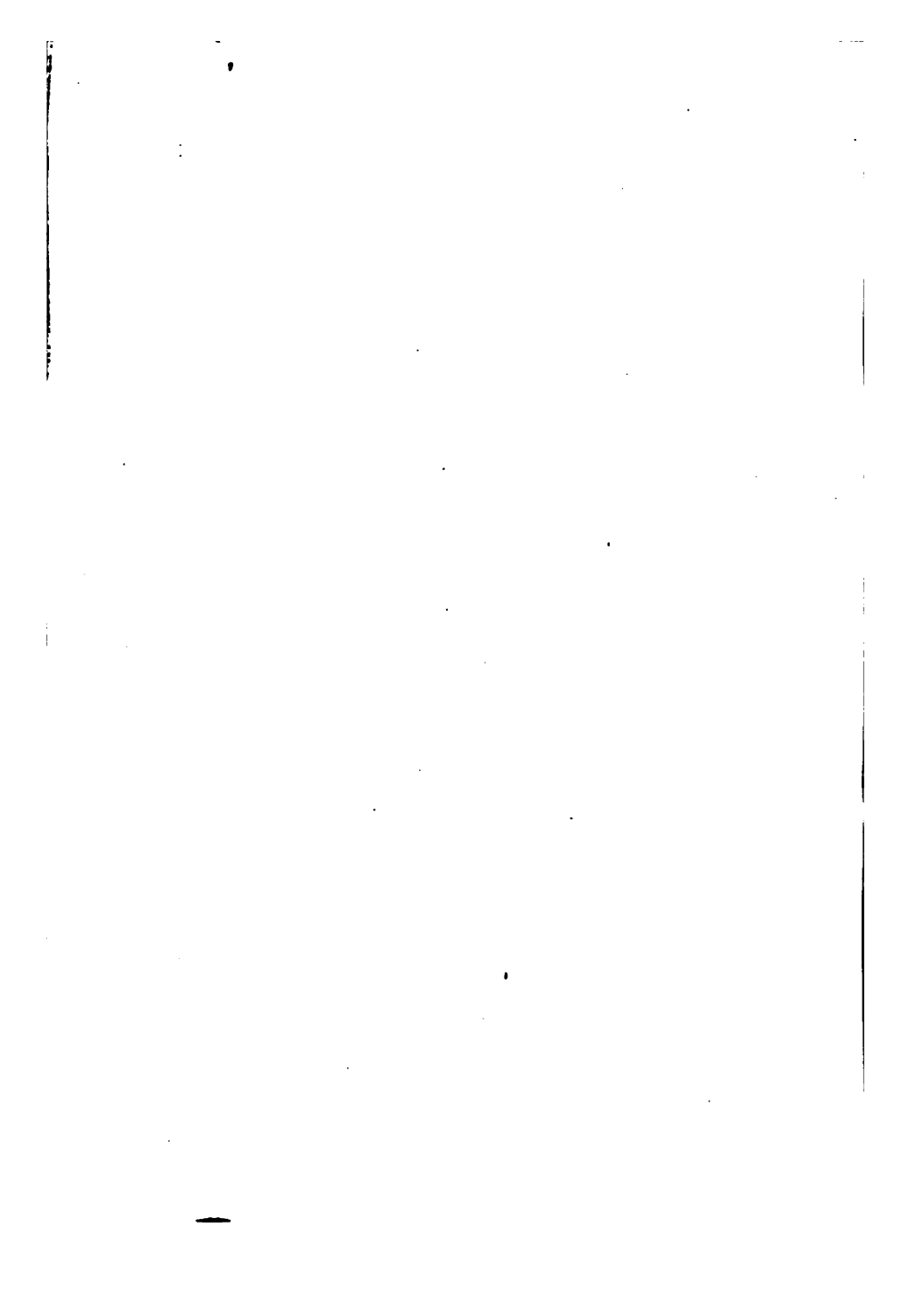
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HISTORY

About sixty years ago Scotland regulated the profession of accountancy; England followed twenty-five years later; but not until 1896 was the profession of accountancy recognized legally in the United States. New York was the first state to provide a law for conferring the title of "Certified Public Accountant". The demand for such legislation has gradually spread and several states at the present time have laws regulating the certification of public accountants and the practicing of the profession of accountancy.

LAWS

FOREIGN COUNTRIES

Canada. Many of the provinces of Canada regulate accountants by chartering the societies and regulating the admission thereto.

See Ontario, 1905, No. 16; Saskatchewan, 1908, c. 55; 1909, c. 15.

*England.*¹ "Accountants are regulated by chartering the societies. The Institute of Chartered Accountants in England and Wales was incorporated by royal charter on 11th May, 1880. It is in affect an amalgamation of several older societies of accountants, and the charter was given in recognition of the great and increasing importance of accountants, and in order to secure for the community the existence of a class of persons well qualified to be employed in the responsible and difficult duties often devolving upon public accountants. The institute is a body corporate with perpetual succession, and is governed by a council of not more than forty-five members. The members are Fellows or Associates of the Institute, and are entitled to the use of the initials F. C. A. or A. C. A. They may not follow any business or occupation other

¹ A bill has been introduced in England which requires registration of all persons practicing as public accountants, and forbids other than registered persons to so practice.

than that of a public accountant, or some business which, in the opinion of the council, is incident thereto or consistent therewith. As regards admission to the Institute, persons who have been for ten years continuously in practice as public accountants need not pass examinations. But, with this exception, those who desire to be members of the Institute must generally be articled to a public accountant for a period varying, with the circumstances, from three to five years, and must pass certain examinations. The Society of Accountants and Auditors is a company incorporated in 1885, under sec. 23 of the Companies Act, 1862, and is licensed by the Board of Trade to omit the word "limited" from its title. No examination is necessary for the original members, nor need those who were in practice on the 31st of December, 1895, pass examinations; in other cases, membership of the society is obtained only after examinations have been satisfactorily passed. Public accountants, public accountants' principal clerks, and official accountants in the employ of the government, or of bankers, corporations, public bodies, or limited companies, are eligible for membership; accountants' clerks may be student members of the society."

"In England anybody has the right to become a public accountant, and many do so without having passed any examination or without having become members of any society of accountants which confers qualifications. In addition to the Institute of Chartered Accountants in London there exist four bodies of accountants in the United Kingdom which have been incorporated under charter from the Crown, and whose members are consequently entitled to describe themselves as "chartered accountants" There is, in addition, the Society of Incor-

porated Accountants and Auditors . . . who are know as "incorporated accountants." And there are several minor societies which have been recently constituted under the limited liability companies acts . . .

The expression "certified public accountant" is not recognized in England; but an injunction could be obtained against persons who attempt to describe themselves as "chartered accountants" or "incorporated accountants" when they are not."²

France. The accountant societies are chartered similar to the English System. The examinations are very strict.

Germany. In Germany accountants are sworn in before a court of competent jurisdiction or other proper authority. The judges or officers determine whether or not the candidate is competent. The Chamber of Commerce requires candidates to pass an examination.

New Foundland. The Institute of Accountants of New Foundland was incorporated by Act No. 16, 1905.

New Zealand. A statutory body to provide for the training, examination and certification of accountants is established. Acts 1908, No. 211.

Scotland. Chartered accountant is the professional designation used by accountants who are members of one or other of the three societies of accountants in Scotland, which are incorporated by royal charter. These three societies are "the Society of Accountants in Edinburgh," which received its charter in 1854; "The Institute of Accountants and Actuaries in Glasgow," which received

¹ Encyclopaedia of Laws of England, Vol. 1, p. 115.

² Daily consular and trade reports, Sept. 19, 1910, p. 860.

³ Verzeichnis der Bücherrevisoren.

its charter in 1855: and "The Society of Accountants in Aberdeen" which received its charter in 1867. The members of these three societies also use, for professional purposes, the initial letters "C. A." to represent the words "chartered accountant". While in the present state of the law it is open to any one who pleases to practice in Scotland as an accountant, no one who is not a member of a chartered society is entitled to call himself a chartered accountant" or to use the letters "C. A." as a professional designation (See Society of Accountants in Edinburgh, 1893, 20 R. 570).

The ordinary method of admission to any one of these societies is by examination following upon apprenticeship to a chartered accountant. The three societies have a joint examining board. An apprentice, who must be at least seventeen years of age at the commencement of his apprenticeship is required to pass a preliminary examination in general knowledge, prior to within six months after the date of his indenture. A graduate of any university of the United Kingdom, however, or a person who has obtained the government school leaving-certificate, or who has passed an examination which in the opinion of the general examining board, is equivalent to the preliminary examination, is exempt from that examination. After one year of the apprenticeship has been served, and at least one year before he presents himself for the final examination, the apprentice is required to pass an "intermediate examination" in mathematics and professional knowledge, including bookkeeping. The final examination takes place after the term of apprenticeship has expired. Before presenting himself for it, the candidate must have attended a class of Scots law at a Scottish University, and such

other classes as may be prescribed by the rules of the particular society which he wishes to join. The subjects of the final examination are the law of Scotland, the elements of actual science and of political economy, and the general business of an accountant. The period of apprenticeship which must be served is, in the cases of the Edinburgh society and the Aberdeen society, five years, and in the case of the Glasgow institute four years. The Edinburgh society exacts an apprenticeship fee of one hundred guineas, and an admission fee of one hundred guineas. The Glasgow institute has no apprenticeship fee, and the admission fee is fifty guineas. The Aberdeen society has an apprenticeship fee of twenty-five guineas, and an admission fee of forty guineas. The Glasgow institute admits as associates, persons who are training to become members. These associates must pass an examination and pay certain fees, upon which they are entitled to some of the privileges of the institute, but have no voice in the management or interest in the funds of the institute. The council of the Glasgow institute has also power to admit as members of the institute, in certain circumstances and upon certain conditions, accountants of good standing and of at least ten years' practice, without requiring them to serve an apprenticeship."¹

Transvaal. The use of the title "Public Accountant" is restricted to those who are registered as public accountants under the ordinance and incorporated into the Transvaal society of accountants. It provides rules for enabling a person entitled to be registered as a member of the society, including among them the

¹Green's Encyclopaedia of Scots Law, Vol. 2, p. 407.

members of any of the societies of accountants of England and Wales, Scotland and Ireland, whose membership is declared to be sufficient by the by-laws of the society for the time being in force for admission into the society.¹

See Ordinances of 1904, No. III (Private)

UNITED STATES

Citation to Laws

- California, Laws 1901, c. 213
- Colorado, Laws 1907, c. 203
- Connecticut, Laws 1907, c. 202
- Florida, Laws 1905, p. 106
- Georgia, Laws 1908, p. 87
- Illinois, Laws 1903, p. 281
- Louisiana, Laws 1908, c. 125
- Maryland, Laws 1900, c. 719
- Massachusetts, Laws 1909, c. 399
- Michigan, Laws 1905, No. 92
- Minnesota, Laws 1909, c. 439.
- Missouri, Laws 1909, p. 710
- Montana, Laws 1909, c. 39
- Nebraska, Laws 1909, c. 95
- New Jersey, Laws 1904, c. 230
- New York, Laws 1896, c. 312; Laws 1901, c. 343
- Ohio, Laws 1908, p. 332
- Pennsylvania, Laws 1899, No. 17; Laws 1909, No. 165
- Rhode Island, Laws 1906, c. 1370
- Utah, Laws 1907, c. 86
- Virginia, Laws 1910, c. 158
- Washington, Laws 1903, c. 72

¹ The Journal of Comparative Legislation. New Series No. XV. p. 179.

Boards of Accountancy

<i>State</i>	<i>Number of Members</i>	<i>Length of Term</i>	<i>Appointive Power</i>
<i>California</i>	5	4 years	Governor
<i>Colorado</i>	3	3 years	Governor
<i>Connecticut</i>	3	3 years	Governor
<i>Florida</i>	3	3 years	Governor
<i>Georgia</i>	3	3 years	Governor
<i>Illinois</i>	3	Not specified	University of Illinois
<i>Louisiana</i>	3	6 years	Governor
<i>Maryland</i>	4	2 years	Governor (From a list of six names proposed by the Mary- land Asso- ciation of public ac- countants)
<i>Massachusetts</i>	1		
<i>Michigan</i>	3	3 years	Governor
<i>Minnesota</i>	3	3 years	Governor
<i>Missouri</i>	5	5 years	Governor
<i>Montana</i>	3	3 years	University
<i>Nebraska</i>	3	2 years	Governor (one member is the auditor of public accounts)
<i>New Jersey</i>	3	3 years	Governor
<i>New York</i>	3		University
<i>Ohio</i>	3	3 years	Governor

Boards of Accountancy—Continued.

<i>State</i>	<i>Number of Members</i>	<i>Length of Term</i>	<i>Appointive Power</i>
<i>Pennsylvania</i>	5	3 years	Governor
<i>Rhode Island</i>	3	3 years	Governor, with advice and consent of senate
<i>Utah</i>	3	4 years	Governor
<i>Virginia</i>	5	3 years	Governor
<i>Washington</i>	5	5 years	Governor (From a list of 15 nomi- nated by the Wash- ington As- sociation of public ac- countants)

Salary of Members

California. All Expenses and not exceeding five dollars per day for each member while attending sessions of the board or conducting examinations.

Colorado. Necessary travelling expenses and not exceeding ten dollars per day for time actually spent in pursuance of duties.

Connecticut. Ten dollars per day and necessary expenses while engaged in the discharge of duties.

Florida. Actual expenses and not to exceed ten dollars per day to each member for the time actually expended

in pursuance of his duties. Provided the charge of each such certified public accountant shall in no case exceed ten dollars per day.

Georgia. Traveling expenses, stationary and clerk hire.

Illinois. Necessary travelling expenses, and not more than ten dollars per day for time actually spent.

Louisiana. Expenses, including mileage, and not exceeding fifteen dollars per day for the time expended in conducting examinations and issuing certificates.

Maryland. No provisions for salary.

Michigan. Ten dollars per day for the time actually spent and necessary travelling expenses incurred.

Minnesota. Necessary expenses, including travelling incurred in the performance of their duties.

Missouri. Not to exceed five dollars per day while engaged in their duties, exclusive of the necessary travelling and other expenses.

Montana. Travelling and hotel expenses in the performance of their duties.

Nebraska. Actual expenses.

New Jersey. Travelling and hotel expenses, not to exceed five dollars per day, officers to receive such salary as may be fixed by the board.

Ohio. Not to exceed five dollars per day for the time actually expended in performing duties, and necessary travelling expenses.

Pennsylvania. Expenses in the performance of duties and travelling expenses.

Rhode Island. Actual expenses incurred in the discharge of duties.

Utah. Not to exceed ten dollars per day while attend-

ing sessions of the board or conducting examinations, and expenses.

Virginia. Not exceeding ten dollars per day for time actually spent, and necessary travelling expenses in the performance of duties.

Washington. Not exceeding five dollars per day while attending meetings and conducting examinations, and expenses.

Qualification of members

California. Three members of the board must be competent and skilled public accountants who have been in practice in California for not less than five consecutive years; after the first appointments must be holders of certified public accountant certificates in California.

Colorado. Members of the board must be skilled in the knowledge and practice of accounting and actively engaged as professional accountants in Colorado; after Dec. 31, 1907, must be holders of certified public accountant certificates in Colorado.

Connecticut. Two members of the board must be skilled in the practice of accounting and after three years must be holders of certified public accountant certificates. The other member of the board must be an attorney at law.

Florida. The members of the board must be skilled in practice of accounting and after 1906 must be holders of certified public accountant certificates.

Georgia. Two members of the board must be public accountants who have practiced for at least five years; after 1908, must be certified public accountants. The other member must be a practicing attorney in good standing in the courts of Georgia.

Illinois. Two members of the board must be skilled in the the practice of accounting and actually engaged therein in Illinois. The other member an accountant as above described or an attorney skilled in commercial law.

Louisiana. Members of the board must be skilled in the practice of accounting and actually engaged therein in Louisiana; after the first appointments must be holders of certified public accountant certificates in Louisiana.

Maryland. Two members of the board must be public accountants selected from a list of six proposed by the Maryland association of public accountants; after the year 1900 must be holders of certified public accountant certificates. The other two members must be practicing attorneys in good standing in any of the courts of Maryland.

Massachusetts. The bank commissioner constitutes the board of accountancy.

Michigan. Two of the members of the board must be selected from a list of accountants who have been practicing in Michigan for at least three years; their successors must be holders of certified public accountant certificates. The other member must be a practicing attorney in good standing in the courts of Michigan.

Minnesota. The first three members appointed must be skilled in the practice of accounting, must have been for a period of three years next preceding their appointment actively engaged therein in Minnesota on their own account; after the appointment of the first three members, must be holders of certified public accountant certificates.

Missouri. The members of the board must have been engaged in the reputable practice as public accountants for a continuous period of three years immediately pre-

ceding the passage of the act (June 10, 1909), one year of which must have been in Missouri; after the expiration of the terms of the first appointees, must be holders of certified public accountant certificates in Missouri.

Montana. The members of the board must be holders of certified public accountant certificates without examination and skilled in the knowledge, theory and practice of accounting and in commercial law as affecting accounting.

Nebraska. One member of the board must be the auditor of public accounts and the other members must be holders of certified public accountant certificates of Nebraska.

New Jersey. The members of the board must be public accountants residing in New Jersey, who have practiced their profession at least three years; their successors must be holders of certified public accountant certificates.

New York. The members of the board must be holders of certified public accountant certificates.

Ohio. The members of the board must be skilled in the knowledge and practice of public accounting and actively engaged as professional accountants in Ohio. Not more than two members of the board shall be from the same political party.

Pennsylvania. Three of the members of the board must be public accountants who have been in practice at least five years; after 1899 must be holders of certified public accountant certificates. The other two members of the board must be practicing attorneys in good standing in any of the courts of Pennsylvania.

Rhode Island. The members of the board must be citizens of Rhode Island and skilled in the practice of account-

ing; after 1907 must be holders of certified public accountant certificates.

Utah. At least two of the members of the board must be competent, skilled, public accountants who have been in practice as such in Utah for not less than three years; after 1910 must be holders of certified public accountant certificates.

Virginia. Three members of the board must be practicing public accountants who have been actively engaged in such practice on their own account for at least three years next preceding such appointment; after Jan. 1, 1911, must be holders of certified public accountant certificates. One member must be a practicing attorney in good standing in any of the courts of Virginia. One member must be an educator.

Washington. The members of the board must be skilled and reputable accountants who have been in practice not less than three consecutive years.

Powers of the Board

The general powers of the boards are:

(1) to formulate rules for their own government and the conduct of examinations:

Cal., Col., Conn., Fla., Ga., La., Mass., Md., Mich., Minn., Mo., N. J., O., Penn., R. I., Utah, Va., Wash.

(2) to waive examinations (see "Examinations");

Cal., Col., Conn., Fla., Ga., La., Md., Mich., Minn., Mo., O., Penn., R. I., Utah, Wash.

(3) to revoke certificates after due notice and hearing (see "certificates");

Cal., Col., Fla., La., Mass., Minn., Mo., O., R. I., Utah, Va., Wash.

(4) to issue certificates;

Cal., Col., Fla., La., Mass., Minn., O., R. I., Utah, Va., Wash.

In some of the states the board recommends the issuance of certificates to the governor or secretary of state.

Conn., Ga., Md., Mich., Mo., Neb., N. J., Penn.

In other states the board recommends to the governor or secretary of state the revocation of certificates.

Ga., Md., Mich., Neb., N. J., Penn.

In Illinois, Montana and New York the university has supervision of the examining board; the general powers then rest with the university and the board act merely as an examining board. The university appoints the board, adopts rules for its government, issues and revokes certificates and waives examinations.

Certified Public Accountants

Qualifications. Any person in order to assume the title of certified public accountant or chartered accountant or the abbreviations C. P. A. or C. A. or any other words or letters or abbreviations tending to indicate that the person, firm or corporation so using the same is a certified public accountant, must receive a certificate as a certified public accountant. Certificates are granted to persons with the necessary general qualifications, who pass the required examination or for whom the examination is waived. The general qualifications are:

California. Citizens of the United States or any person having declared his intentions of becoming such, residing and doing business in California; over twenty-one years of age; and of a good moral character.

Colorado. Citizens of the United States, or having declared such intentions; over twenty-one years of age; of

good moral character; graduate of high school or having an equivalent education; and three years experience in the practice of accounting.

Connecticut. Citizen of United States residing or having a place for the regular transaction of business in Connecticut; over twenty-one years of age; of good moral character; a graduate of a high school with a four years' course or having an equivalent education; having been regularly employed as bookkeeper for not less than two years; and having had such training as a public accountant as the board may prescribe.

Florida. Resident of the state; over twenty-one years of age; of good moral character; and a graduate of a high school with a four years' course or having an equivalent education.

Georgia. Citizen of the United States or any person residing or having an office for the regular transaction of business in Georgia; over twenty-one years of age; and of good moral character.

Illinois. Citizen of the United States or having declared such intentions, having a place for the regular transaction of business as a professional accountant in Illinois; over twenty-one years of age; of good moral character; and a graduate of a high school with a four years' course or an equivalent education.

Louisiana. Citizen of the United States, residing or having a place for the regular transaction of business in Louisiana; over twenty-one years of age; and of good moral character.

Maryland. Citizen of the United States or having declared intentions of becoming such, residing or having a

place for the regular transaction of business in Maryland; over twenty-one years of age; and of good moral character.

Massachusetts. Citizen of the United States and a resident of Massachusetts; not less than twenty-one years of age; of good moral character; and having professional ability.

Michigan. Any person residing or having a place for the regular transaction of business in Michigan; over twenty-one years of age, and of good moral character.

Minnesota. Citizen of the United States or having declared intentions of becoming such; over twenty-one years of age; of good moral character; three years experience as an assistant in the office of a public accountant or having practiced as a public accountant on his own account; and who passes the preliminary examination touching his general education unless waived by the board.

Missouri. Citizen of the United States or having declared intentions of becoming such; having a place for the regular transaction of business as a professional accountant in Missouri; over twenty-five years of age; of good moral character; graduate of a high school with a four years' course or having an equivalent education, or who passes an examination set by the board; and three years' experience in practical accounting.

Montana. Citizen of the United States or having declared intentions of becoming such; twenty-one years of age; graduate of an accredited high school or having an equivalent education; and three years experience in accounting, practicing on his own account, in the office of a public accountant or in a responsible accounting position in the employ of a business corporation, firm or individual.

Nebraska. Citizens of the United States or having declared intentions of becoming such, residing or having a place for the regular transaction of business in the state of Nebraska; over twenty-one years of age; and of good moral character.

New Jersey. Citizens of the United States, residing in or having a place for the regular transaction of business in New Jersey; over twenty-one years of age; and of good moral character.

New York. Citizens of the United States or having declared intentions of becoming such residing or having a place for the regular transaction of business in New York; over twenty-one years of age, and of good moral character.

Ohio. Citizens of the United States or having declared intentions of becoming such; over twenty-one years of age; of good moral character, graduate of a high school or having an equivalent education; and three years experience in the practice of accounting.

Pennsylvania. Citizens of the United States, residing or having an office for the regular transaction of business in Pennsylvania; over twenty-one years of age; and of good moral character.

Rhode Island. Citizen of the United States or having declared intentions of becoming such; having a place for the regular transaction of business as a professional accountant in Rhode Island; over twenty-one years of age; and of good moral character.

Utah. Citizens of the United States on having declared intentions of becoming such, residing or doing business as a public accountant in Utah; over twenty-one years of age; and of good moral character.

Virginia. Citizen of the United States, or having declared intentions of becoming such, residing or having an office in Virginia; over twenty-one years of age; of good moral character; graduate of a high school or having an equivalent education; and one year's experience practicing as a public accountant on his own account or two year's experience employed as an assistant in the office of a public accountant, or three year's experience employed as a bookkeeper.

Washington. Citizen of the United States or having declared intentions of becoming such, residing and doing business in Washington; over nineteen years of age; and of good moral character.

Examinations

Frequency. Examinations are held:

California. At least semi-annually.

Colorado. As often as may be necessary in the opinion of the board, but not less frequently than once a year.

Connecticut. At annual meetings, special meetings or as often as the board may deem necessary.

Florida. At least once a year.

Georgia. Twice a year, during May and November in the city of Atlanta.

Illinois. As often as the university of Illinois may deem necessary, but not less frequently than once a year.

Louisiana. At least once a year.

Maryland. At least once a year.

Massachusetts. Not specified.

Michigan. At least twice a year.

Minnesota. As often as may be convenient in the opinion of the board, but not less than once a year.

Missouri. At least once a year.

Montana. As often as may be necessary in the opinion of the university, but not less than one each year.

Nebraska. At least once a year.

New Jersey. At least twice a year.

New York. As often as the regents of the university may determine.

Ohio. Annually. If three or more persons apply to the board for certificates not less than five months after the annual examination, the board holds an examination at the time and place fixed by the board.

Pennsylvania. Twice a year in Philadelphia, Harrisburg and Pittsburgh.

Rhode Island. At least once a year in the city of Providence, and elsewhere in the discretion of the board.

Utah. At least annually.

Virginia. At least once a year in Richmond, or oftener in the discretion of the board.

Washington. At least semi-annually.

Public notice. The time and place of holding examinations must be advertised:

Connecticut. Public notice must be given at least fifteen days before the examination, in such manner as the board may determine.

Florida. In three or more papers where the circulation is most general in the state.

Illinois. For not less than three consecutive days in one daily newspaper published in each of the places where the examinations are to be held, not less than thirty days prior to the date of each examination.

Michigan. At least three consecutive days in a daily newspaper published in Detroit, Grand Rapids, Saginaw,

Marquette and Houghton, at least thirty days prior to the date of such examination, notice of such examination shall be mailed to all holders of certificates and to all applicants.

Minnesota. For not less than three consecutive days in one daily newspaper published in each county where the examinations are to be held, and not less than twenty days prior to the holding of such examination.

Missouri. For not less than three consecutive days, not less than thirty days prior to the date of each examination in at least two daily newspapers printed and published in the state.

Montana. For not less than three consecutive days, not less than thirty days prior to the date of each examination, in three representative daily newspapers.

Virginia. For not less than three consecutive days in at least one daily newspaper published in Richmond, one published in Norfolk and one published in Lynchburg, not less than thirty days prior to the date of each examination.

Scope. The scope of the examinations varies but slightly in the several states.

California. Theory of accounts, practical accounting, auditing and commercial law.

Colorado. Theoretical accounting, practical accounting, commercial law and other subjects that the board may deem advisable.

Connecticut. Theory of accounts, practical accounting, auditing, commercial law and such other related subjects as the board may deem necessary.

Florida. Theory of accounts, practical accounting, auditing and commercial law.

Georgia. Theory of accounts, practical accounting auditing, commercial arithmetic and commercial law.

Illinois. Theory of accounts, practical accounting, auditing and commercial law.

Louisiana. Theory of accounts, practical accounting, auditing, commercial law and such other branches as the board may deem necessary.

Maryland. Not prescribed by the law.

Massachusetts. Not prescribed by the law.

Michigan. Theory of accounts, practical accounting, auditing and commercial law.

Minnesota. Accounting, auditing, commercial law, and and such other subjects as the board may deem advisable. A preliminary examination in general education and qualifications.

Missouri. Theory of accounts, practical accounting, auditing and commercial law.

Montana. Theory of accounts, practical accounting, auditing, commercial law and such other subjects as the university may designate. An oral examination for general fitness is required.

Nebraska. Regular questions furnished by the national association for public accountants.

New Jersey. Not prescribed by the law.

New York. The regents of the university designate the subjects.

Ohio. Theory of accounts, practical accounting, commercial law and auditing.

Pennsylvania. Commercial law and general accounting.

Rhode Island. Theory of accounts, practical accounting, auditing, commercial law and such other subjects as the board may determine.

Utah. Theory of accounts, practical accounting, auditing and commercial law.

Virginia. Theory of accounts, practical accounting, auditing and commercial law.

Washington. Theory of accounts, practical accounting, auditing and commercial law.

Waiver. The examination in the following cases is waived:

California. Any person possessing the general qualifications who shall have been practicing as a public accountant on his own account for more than three years prior to the passage of the act, and who shall apply in writing for such certificate within one year thereafter.

Colorado. Any person who files application within six months after the organization of the board, who has practiced accounting for at least three years next preceding the date of his application the last year of which has been in Colorado, and files satisfactory proof of such fact. Any citizen of the United States, or who has declared such intentions, over twenty-one years of age, of good moral character, who has complied with the rules and regulations of the board and who holds a valid certificate issued by any other state, the United States or any foreign country with substantially equivalent requirements, which extends the same privilege.

Connecticut. Any person holding a certificate granted by another state, who has had at least five years experience as a public accountant, who has practiced in Connecticut for at least one year on his own account, provided that state grants a similar privilege. Any person twenty-one years of age, of good moral character, applying for the

certificate within ninety days after the passage of the act who shall satisfactorily show to the board that he has had at least two years instruction in the office or by a reputable public accountant in active practice in the state and has been engaged in the practice of public accountancy in the state for at least one year or has had such other equivalent experience as the board may determine.

Florida. A lawful holder of a certified public accountant certificate under the laws of another state which grants a similar privilege. A person possessing the general qualifications, who shall have been practicing on his own account as a public accountant for more than three years before the passage of the act, who shall apply for such certificate within a year thereafter.

Georgia. Any person who shall have been practicing as a public accountant for the three years immediately preceding the passage of the act who shall apply within three months thereafter.

Illinois. The university may provide in their rules to waive all or any part of the examination of any applicant possessing the general qualifications, who shall have had five successive years experience as a public accountant previous to the date of application; who shall apply within one year after the passage of the act and who shall have been practicing in Illinois on his own account as a public accountant for a period of not less than one year next preceding the passage of the act. Any person who shall have been in the practice as a public accountant for not less than five years next prior to the passage of the act outside of the state of Illinois who shall have passed an examination in the opinion of the university of Illinois,

equivalent to the examination held in Illinois. A holder of a Certified Public Accountant certificate from some other state.

Louisiana. Any person possessing the general qualifications and who has been actively employed as an accountant or bookkeeper for not less than five years, who shall apply for a certificate and furnish an affidavit giving the names of his employers for the past five years, provided the application be filed within ninety days after the passage of the act. Any person who has been for more than three consecutive years practicing as a public accountant in Louisiana on his own account, and who shall apply for such certificate within ninety days after the passage of the act.

Maryland. Any person possessing the general qualifications, who was at the time of the passage of the act practicing in Maryland as a public accountant and who shall apply for a certificate within one year after the passage of the act.

Michigan. Any applicant not later than 1906 who practiced as a public accountant for more than one year prior to the passage of the act. Any certified public accountant who holds a certificate issued under the laws of another state which extends a similar privilege.

Minnesota. Any person possessing the general qualifications, who is the holder of a certified public accountant certificate issued under the laws of another state which extends a similar privilege to certified public accountants of Minnesota, providing the requirements are equivalent. Any person possessing the general qualifications who is the holder of a certified public accountant certificate issued

under the laws of a foreign government, provided the requirements are equivalent. Any person possessing the general qualifications who for more than three consecutive years next preceding the passage of the act (April 22, 1909), has practiced in Minnesota as a public accountant on his own account and who shall apply in writing to the board for a certificate within six months after the passage of the act.

Missouri. Any person of competent age, of good moral character, who has been engaged in reputable practice as a public accountant for a continuous period of three years, one of which shall have been in the state of Missouri, immediately preceding the passage of the act (June 10, 1909), or who has been employed as an accountant by a reputable firm of accountants for a continuous period of five years immediately preceding the passage of the act (June 10, 1909), one of which shall have been in the state of Missouri, and who shall apply to the board for a certificate within six months after the taking effect of the act. Any person possessing a certificate from another state which provides similar registration and establishes as high a standard of qualifications as that required under the act.

Montana. Upon recommendation of the board of examiners, the university may waive examination for any person a citizen of the United States or having declared his intentions of becoming a resident of the state of Montana or maintaining a regular place of business therein, in the following cases: Holders of certified public accountant certificates issued under the laws of another state which extends a like privilege, provided the requirements

in the opinion of the board are equivalent. Holders of certified public accountant certificates or the equivalent issued in any foreign country provided the requirements, in the opinion of the board, are equivalent. Any person twenty-five years of age, of good moral character, graduate of an accredited high school or an equivalent education, who has had three years' experience in the practice of public accounting in Montana, and whose qualifications are in every respect equal to those assumed or implied by the successful passing of the examination and who is personally known to the board to be so qualified as a competent and skilled accountant in theory and practice and who shall apply to the university for such certificate within one hundred and eighty days after the passage of the act.

Nebraska. Members of the state association for public accountants are granted certificates without examination.

New Jersey. The governor, upon written recommendation of the board may waive the examination of any person possessing the general qualifications who has practiced for more than three years before the passage of the act as public accountant in the state; and shall apply for such certificate within one year thereafter. The board may waive the examination of any person who at the time of the application resides in New Jersey, and has a valid certificate as a certified public accountant issued under another state which grants a similar privilege.

New York. The regents of the university may waive the examination of any person possessing the general qualifications, who shall have practiced in New York for more than one year as a public accountant on his own account

and who shall apply for such certificate prior to Sept. 1, 1901.

Ohio. Any person who applies for a certificate within six months after the organization of the board, is at that time a public accountant, has practiced the profession of public accounting for at least three years, who files proof of such facts and proof of the special education required. Any person who is a citizen of the United States or has declared his intention of becoming such, is over twenty-one years of age, of good moral character, who has complied with the rules and regulations of the board and who holds a valid certificate as a certified accountant issued by any other state or foreign nation when the board is satisfied that their requirements are substantially equivalent to those in Ohio.

Pennsylvania. Any person who has been for three years before the passage of the act practicing as a public accountant and who shall apply for such certificate within a year thereafter.

Rhode Island. Holder of certificate issued under the laws of other states which extend the same privilege. Possessor of general qualifications, who has practiced in Rhode Island on his own account for more than three years preceding the passage of the act, and who applies for such certificate within six months thereafter.

Utah. Any person who practiced for more than two years prior to the passage of the act as a public accountant on his own account and who shall apply within one year thereafter.

Virginia. Any person possessing the general qualifications, who is the holder of a certified public accountant



CERTIFIED PUBLIC ACCOUNTANTS

certificate, issued under the laws of another state which extends similar privileges to certified public accountants of Virginia, provided the requirements are, in the opinion of the board, equivalent. Any person who is the holder of a certified public accountant certificate issued under the law of a foreign country, provided the requirements are, in the opinion of the board, equivalent. Any person who has for at least one year next preceeding the date of his application, been practicing in Virginia as a public accountant on his own account, who shall apply for such certificate within six months after the act becomes operative.

Washington. Any person possessing the general qualifications, who has been for more than one year prior to the passage of the act a resident of the state of Washington, who shall apply in writing for such certificate within a year thereafter.

Certificates

<i>State</i>	<i>Issued by</i>	<i>Duration</i>
<i>California</i>	Board	One year, may be renewed from year to year
<i>Colorado</i>	Board	Until revoked
<i>Connecticut</i>	Governor, upon recommendation of board	Until revoked
<i>Florida</i>	Board	Until revoked
<i>Georgia</i>	Governor, upon recommendation of board	Until revoked
<i>Illinois</i>	University	Until revoked

Certificates—Continued.

<i>State</i>	<i>Issued by</i>	<i>Duration</i>
<i>Louisiana</i>	Board	Until revoked
<i>Maryland</i>	Governor, upon recommendation of board	Until revoked
<i>Massachusetts</i>	Commissioner of Banking	One year, may be renewed from year to year
<i>Michigan</i>	Governor, upon recommendation of board	Until revoked
<i>Minnesota</i>	Secretary of State, upon recommendation of board	Until revoked
<i>Minnesota</i>	Board	Until revoked
<i>Missouri</i>	Secretary of State, upon recommendation of board	Until revoked
<i>Montana</i>	University	Until revoked
<i>Nebraska</i>	Governor	Until revoked
<i>New Jersey</i>	Governor, upon recommendation of board	Until revoked
<i>New York</i>	University	Until revoked
<i>Ohio</i>	Board	Until revoked
<i>Pennsylvania</i>	Governor	Until revoked
<i>Rhode Island</i>	Board	Until revoked
<i>Utah</i>	Board	One year, may be renewed
<i>Virginia</i>	Board	Until revoked
<i>Washington</i>	Board	One year, may be renewed from year to year

Revocation

California. The board may revoke certificates for cause, after written notice to holder, and a hearing thereon, upon the affirmative vote of at least four members.

Colorado. The board may revoke a certificate for sufficient cause after written notice to the holder at least 20 days before the hearing, stating the cause for such contemplated action and appointing a time for a hearing.

Connecticut. No provision for the revocation of certificates.

Florida. The board may revoke a certificate for unprofessional conduct, or other sufficient cause, after written notice to the holder, twenty days before the hearing, stating the cause for such contemplated action and appointing a day for a full hearing.

Georgia. The governor may revoke certificates for sufficient cause upon the recommendation of the board, who shall give written notice to the holder. A hearing must be had.

Illinois. The University of Illinois may revoke certificates for unprofessional conduct or other sufficient cause, after written notice to the holder, twenty days before the hearing, stating the cause for such contemplated action and appointing a date for a full hearing thereon by the university.

Louisiana. The state board of accountants may revoke certificates and may cancel registrations for unprofessional conduct or for other cause provided written notice is sent to the holder of the certificate twenty days before the hearing, stating the cause for such contemplated action, and appointing a date for a full hearing.

Maryland. The governor may revoke certificates for sufficient cause, after notice to the holder and a hearing.

Massachusetts. The commissioner of banking may revoke certificates after notice and hearing.

Michigan. The governor may revoke certificates for sufficient cause, after written notice to the holder and a hearing, and shall issue such notice when requested by the board.

Minnesota. The board may revoke certificates for bad moral character, dishonesty, conviction of crime, incompetency or unprofessional conduct, after written notice at least twenty days before the hearing, stating the cause for such contemplated action, and appointing a place for a hearing.

Missouri. The board may revoke certificates for unprofessional conduct or other sufficient cause. Written notice must be mailed to the holder at least twenty days before any hearing, stating the cause for such contemplated action, and appointing a day for such hearing.

Montana. The university may, for unprofessional conduct or other sufficient cause, revoke or cancel the registration of any certificate, provided written notice of the cause of such contemplated action and the date of the hearing is mailed to the holder at least thirty days before said hearing.

Nebraska. Certificates may be revoked by the governor for a sufficient cause, provided written notice is given to the holder and after a hearing.

New Jersey. The governor, upon the recommendation of the board may revoke any certificate issued by him, provided the recommendation is made after a hearing before

said board, due notice of which has been given to the holder, and for sufficient cause shown at said hearing.

New York. The regents of the university may revoke certificates for sufficient cause and after written notice and a hearing.

Ohio. The board may revoke certificates after a hearing. Notice must be mailed to the owner of the certificate at least twenty days before the hearing. Such notice must state the cause of the contemplated action and appoint a day for a hearing.

Pennsylvania. The governor may revoke certificates for sufficient cause upon recommendation of the board after a written notice to the holder, and after he has had a hearing.

Rhode Island. The board may revoke the certificate for gross incompetency, unprofessional conduct or other sufficient cause, after notice to the holder and a hearing.

Utah. The board of accountancy may revoke certificates for cause, after written notice to the holder, and a hearing.

Virginia. The board may revoke any certificate on account of conviction of felony, fraud, insanity or otherwise incompetent as declared by any court of competent jurisdiction, or unprofessional conduct in the opinion of the board, provided written notice of the cause of such contemplated action and the date for a hearing is mailed to the holder at least twenty days prior to such hearing.

Washington. Certificates may be revoked for cause by the board upon at least four affirmative votes.

Fees

California. Not more than twenty-five dollars; one dollar for renewals.

Colorado. Twenty-five dollars. Re-examination within eighteen months without second fee.

Connecticut. Twenty-five dollars. For issuance of certificate when examination is waived, ten dollars.

Florida. Twenty-five dollars. The board may charge such fee as they deem necessary in cases of registration of other certificates or in granting certificates when examination is waived.

Georgia. Twenty-five dollars.

Illinois. Twenty-five dollars.

Louisiana. Not to exceed ten dollars for application filed during the first ninety days after the passage of the act. Not to exceed twenty-five dollars after ninety days.

Maryland. Such fee as the board may deem necessary to meet the expenses.

Massachusetts. The amount of the fee is determined by the commissioner of banking,—a reasonable, fixed fee, not to exceed twenty-five dollars, which in his opinion is necessary to carry out the provisions of the act.

Michigan. Twenty-five dollars.

Minnesota. Twenty-five dollars.

Missouri. For examination or recommendation for waiver, or for registration of certificates from other states, twenty-five dollars; for issuance of certificate ten dollars; Re-examination within a year after failure without second fee.

Montana. Twenty-five dollars; second examination without further fee.

- Nebraska.* Enough to meet actual expenses.
- New Jersey.* Twenty-five dollars.
- New York.* The regents of the university fix the amount.
- Ohio.* Twenty-five dollars. Re-examination within eighteen months without a second fee.
- Pennsylvania.* Twenty-five dollars.
- Rhode Island.* Twenty-five dollars; upon failure to appear or to pass, may, in the discretion of the board, take the next annual examination upon the payment of fifteen dollars for registration—when examination is waived, fifteen dollars.
- Virginia.* Twenty-five dollars; upon failure to appear or to pass, may take the next examination upon the payment of ten dollars.
- Utah.* Twenty-five dollars for examination and certificate. Not more than five dollars for renewals.
- Washington.* Not more than twenty-five dollars; one dollar for renewals.

Penalties

- California.* Violation punished as a misdemeanor.
- Colorado.* Fifty to two hundred dollars for each offense.
- Connecticut.* Not more than five hundred dollars.
- Florida.* Not more than two hundred dollars or not more than six months.
- Georgia.* Two hundred dollars to five hundred dollars.
- Illinois.* Not more than two hundred dollars.
- Louisiana.* Not less than one hundred dollars, or three months.
- Maryland.* Fifty dollars to two hundred dollars, or not more than six months.

Massachusetts. Five hundred dollars or not more than six months.

Michigan. One hundred dollars to five hundred dollars, or not exceeding six months.

Minnesota. Violation punished as a gross misdemeanor.

Missouri. Misrepresentation as a certified public accountant, fifty dollars to five hundred dollars; falsifying a report, statements, investigations or audit, one hundred to one thousand dollars, or three months to one year, or both.

Montana. One hundred to five hundred dollars, or one to six months, or both for each day's violation.

Nebraska. Fifty dollars to two hundred dollars, or not more than six months.

New Jersey. Fifty to five hundred dollars, or not less than one month.

New York. Violation punished as a misdemeanor.

Ohio. Ten to one hundred dollars.

Pennsylvania. Not more than five hundred dollars.

Rhode Island. Two hundred dollars; subsequent conviction, two hundred to five hundred dollars or not more than six months or both.

Utah. Not more than two hundred dollars.

Virginia. One hundred to five hundred dollars or one to six months or both.

Washington. Not more than one hundred dollars.

SALIENT FEATURES

Methods of Regulation

In foreign countries regulation of certified public accountants is accomplished by chartering societies and providing rules for admission of members. In Germany the accountants must be sworn in by courts of competent jurisdiction or other proper officer.

In the United States and New Zealand boards of accountancy are created to examine and issue certificates to individual accountants. In some states the university appoints and supervises an examining board.

Apprenticeship

Foreign countries provide an articulated clerk system but in the United States no apprenticeship is provided.

Examinations

Examinations, with a waiver upon certain conditions, are required in all countries and states. The scope of the examination is practically the same in the several states of the United States, theory of accounting, practical accounting, auditing and commercial law. The examinations of Edinburgh, typical of those of England and Scotland,

"are three in number,—preliminary, intermediate and final. The first,—embraces the usual educational subjects: the second,—advanced mathematics and professional knowledge, the third,—law, actuarial science and political economy, and four papers on the general business of an accountant under which are included bookkeeping and all forms of accounts, auditing, bankruptcy, trusts, factorship, apportionments, administration and liquidation of companies and judicial and private references, remits and proofs."¹

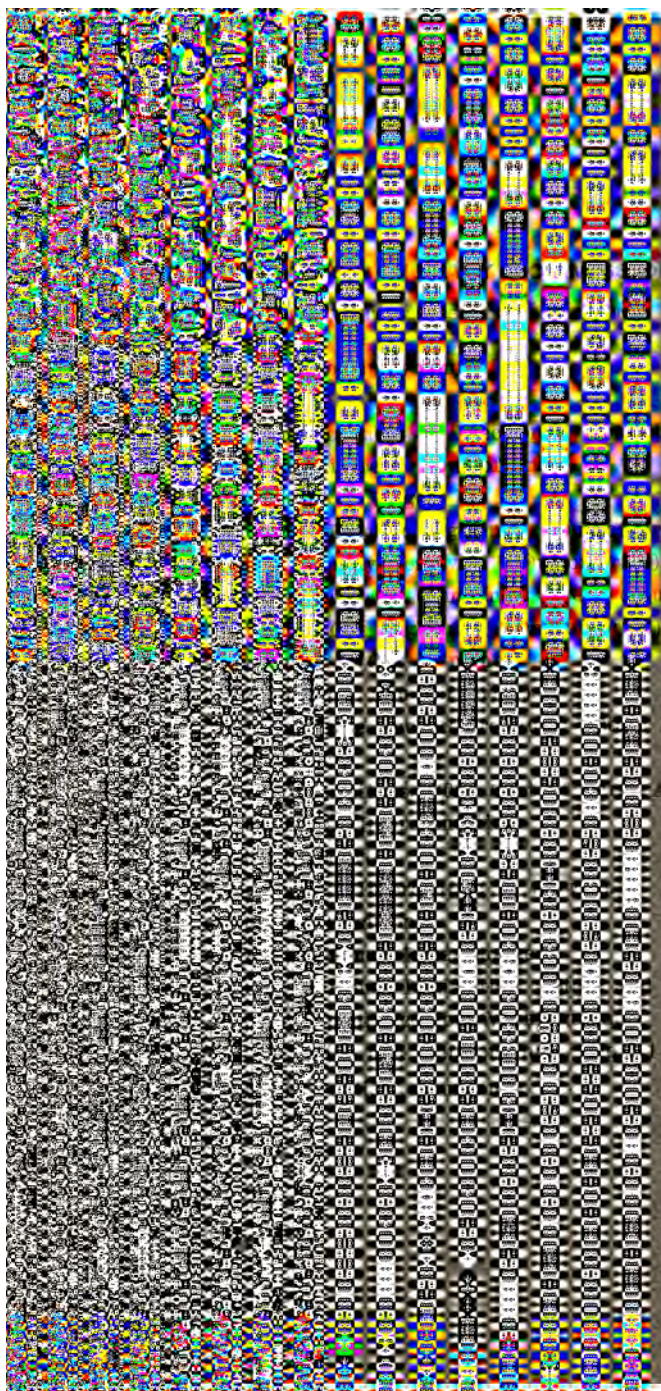
The Scottish Board of Chartered Accountants of Scotland has recently approved and adopted a new form of syllabus for the examination which will come into operation in June, 1911. The preliminary examination will disappear entirely, its place being taken by some form of school leaving certificate or by the passing of some recognized examination of the Matriculation standard. There will be very little change in the intermediate and practically only a rearrangement in the final.

Educational Qualifications

In many instances an education equivalent to that acquired in an accredited high school with a four years course is required. In Scotland, before presenting himself for the final examination, a candidate must have attended a class of Scots law at a Scottish university and such other classes as the board may prescribe.

¹ Journal of Accountancy, Jan. 1908, p. 253.

² Journal of Accountancy.



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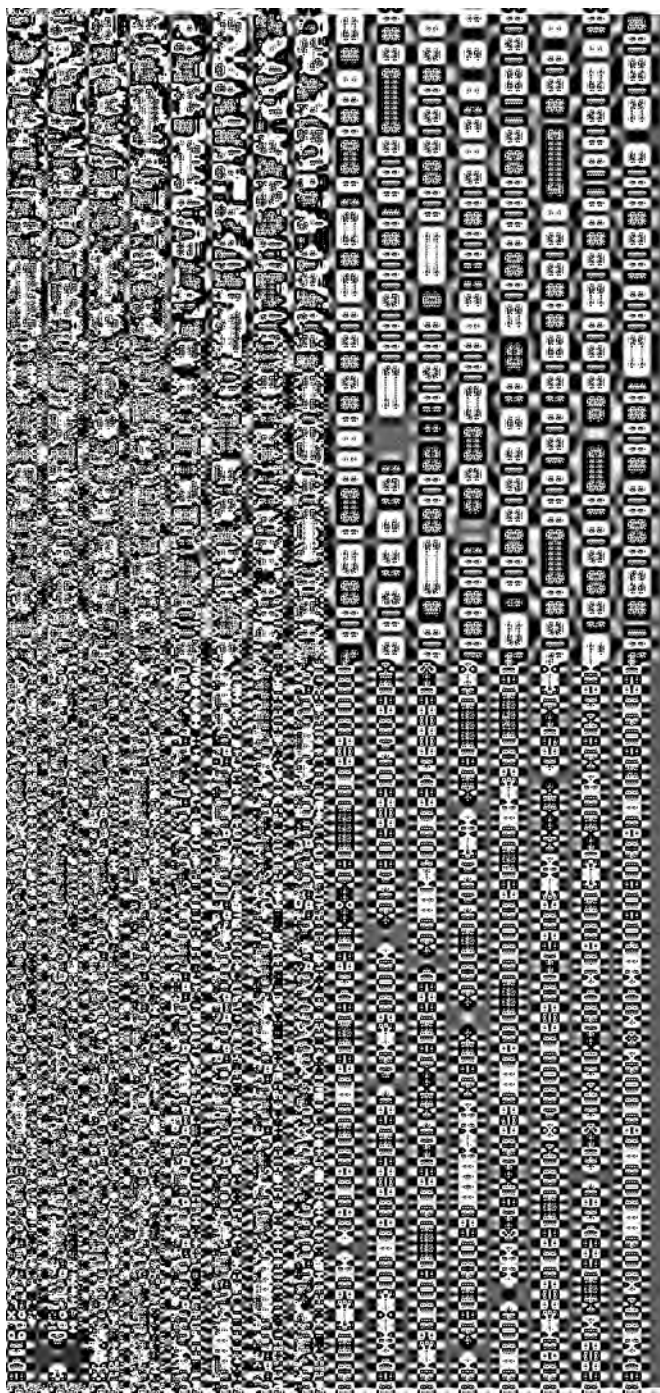
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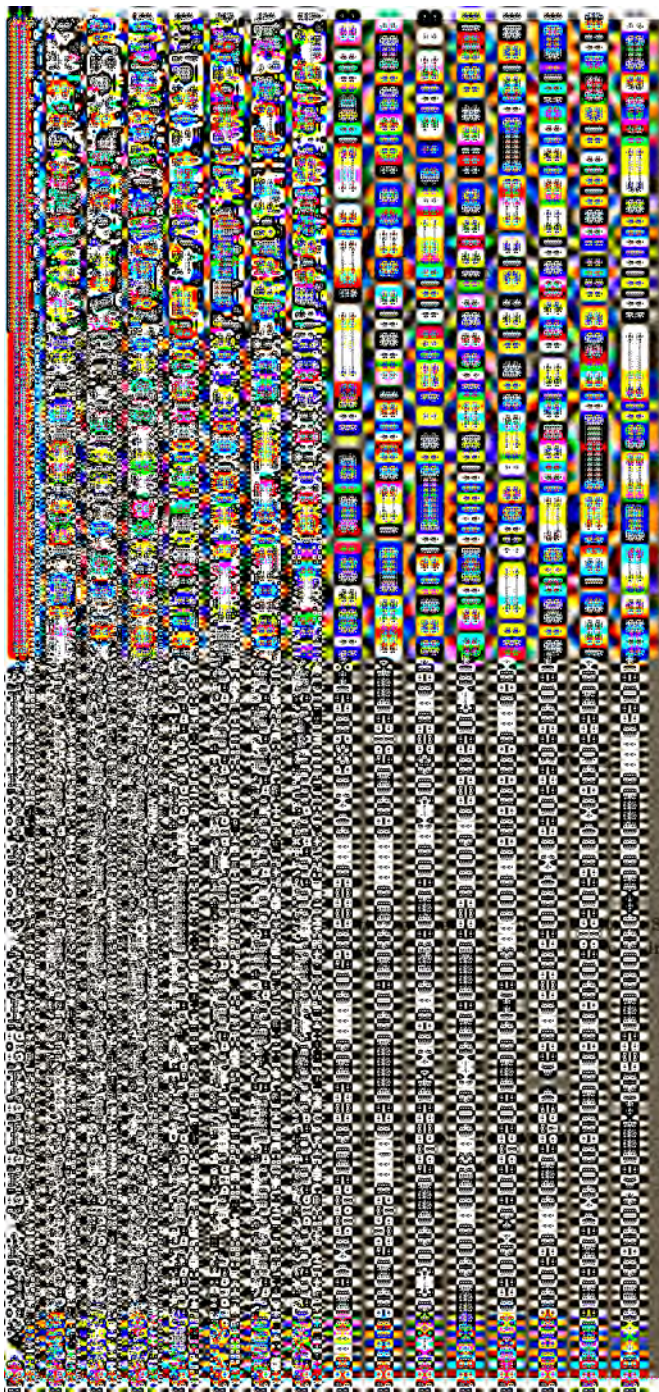
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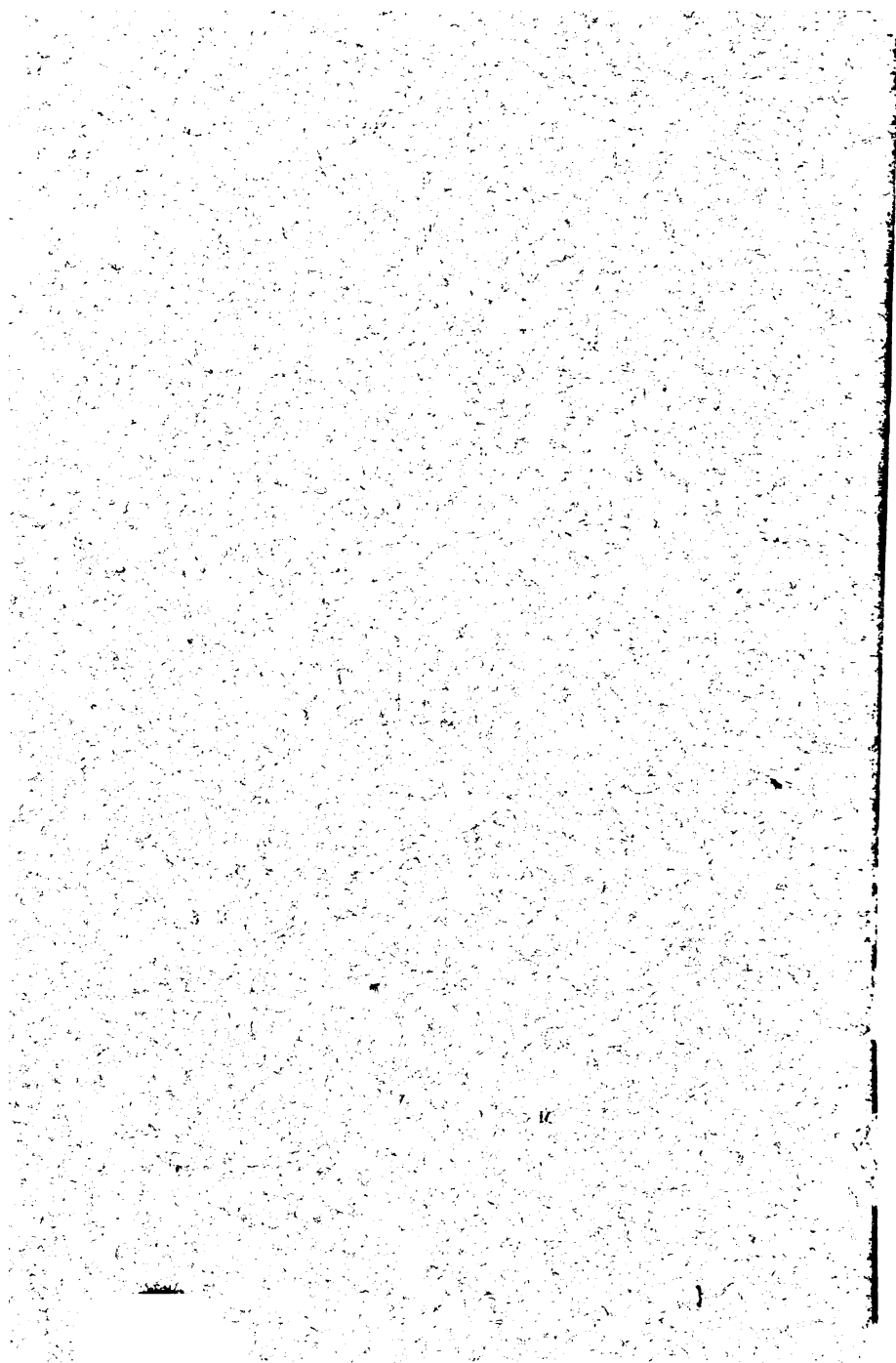
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No. 23

CORRUPT PRACTICES AT ELECTIONS

S. GALE LOWRIE

MADISON, WISCONSIN
FEBRUARY, 1911

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- JELF, E. A. The Corrupt and Illegal Practices Prevention Acts of 1883 and 1895. London 1905, 3rd ed., 239 p.
The text of English law with decisions thereon and a discussion of election petitions and contests under the acts.

KS, J. W. Money in practical politics. Century, vol. 44, pp. 940-5, Oct. '92.

Gives specific information on assessment of candidates, voluntary contributions and the purchase of votes.

LEFÈVRE-PONTALIS, ANTONIN. Les élections en Europe a la fin du 19e siècle. Paris 1902.

Treats briefly the law against corrupt practices in the chief countries of Europe.

LOWELL, A. L. The Government of England, vol. 1, pp. 221-237 (1908).

Contains an admirable outline of the English corrupt practice act with a discussion of its actual workings.

OSTROGORSKI, M. Democracy and the Party system in the United States (1910).

Gives an excellent description of the actual working of elective machinery.

PORRITT, EDWARD. Political Corruption in England, North American Review, vol. 183, p. 995, Nov. '06.

Workings and deficiencies of the English election act discussed.

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RUSSELL, CHAS. ED. At the Throat of the Republic. Cosmopolitan, vol. XLIV, Nos. 2, 3 and 4: Dec. '07, Jan. and Feb. '08.

Discusses illegal voting, intimidation and corrupt practices at elections, under the heads: 1. Before the election; discussing colonizing non-resident voters, personation and illegal registration; 2. At the election; discussing illegal voting, mutilating ballots, bribery and intimidation of voters; 3. After the election; dealing with the miscount of ballots, certification of false returns and suppression of fraudulent practices.

INTRODUCTION

From the earliest times gross offenses against the suffrage such as bribery, intimidation and treating have been indictable at common law.* With the beginning of the fifteenth century, English statutes began to define more specifically what constituted corrupt and illegal practices during election campaigns and to penalize acts not only *malum in se* but *malum prohibitum* as calculated to increase the expense of campaigns and to operate against the purity of elections. The English statutes culminated in the Corrupt and Illegal Practices Prevention Act of 1883 and its amendment of 1895 (46 and 47 Vict., ch. 51; 58 and 59 Vict., ch. 40). This law has been the basis of the corrupt practice acts of the English Colonies and the model of the more advanced statutes of the United States as found not only in the general but in the primary election laws.

Definitions. The definitions of corrupt practices found in most of the laws are especially constructed for the statute in question and in their more restricted meaning frequently contemplate the illegal use of money or position to influence electors. Under the British statute corrupt practices at elections include: 1. bribery; 2. treating; 3. undue influence; 4. personation, and aiding, abetting, counselling and procuring the commission of the of-

*Lord Mansfield in *Rex v. Pitt* and *Rex v. Mead*, 3 Burr. 1335 (1762).

fense of personation; 5. knowingly making a false declaration as to election expenses. The English law also defines and provides penalties for illegal practices and payments.

The Maryland law of 1908 penalizes as corrupt practices: 1. bribery, or the solicitation or payment of funds for that purpose; 2. treating; 3. contributing to campaign expenses except through authorized political agents; 4. paying or receiving contributions in the name of one other than the contributor; 5. displaying on the part of an employer any political motto, device, argument or threats upon pay envelopes, or posting notices just prior to an election that pay will be decreased or work diminished in the event of a certain election contingency or giving any other information calculated to influence the votes of employees.

For the purpose of this digest corrupt practice has been construed to embrace illegal voting or any act which in practice or design tends to hinder or improperly influence an elector in the exercise of his right of franchise so that his judgment is perverted or he fails to cast his vote in accordance with his desire.

Recent laws designed to conserve purity in elections have dealt specifically with the use of money in campaigns.

Expenditures. What constitute illegal expenditures are explicitly stated in the laws of some states but most of these also follow the more general custom of specifying what constitute legal expenditures and prohibiting all others. Legal expenses generally embrace the personal expenses of candidates, the expense of conducting public meetings to discuss public questions, postage, expressage, telephoning and telegraphing, advertising according to prescribed

methods, and the expense of conducting campaign headquarters. Examples of such provisions may be found in the laws of Connecticut, Minnesota, Oregon and West Virginia.

Contributions. There has been a marked tendency, especially in the primary election laws, to reduce the amounts used for campaign purposes and also to regulate the sources of contributions. In accordance with this trend many states have prohibited the contribution of corporations to campaign funds and have penalized severely infractions of this law. The making of political assessments against office holders, or even against candidates has been regulated. Provisions that contributions and expenditures be made through a responsible political agent have become quite general as have the provisions for filing with public officials sworn, itemized statements of all campaign receipts and disbursements, stating from whom payments were received, to whom paid and the purposes of the expenditures. Amounts which a candidate may legally spend in his campaign have been regulated in some states on the basis of the number of votes cast in the last election for the office for which he is a candidate; in others, upon the salary of the office in question.

Recent election laws have also been characterized by increased precautions against illegal registration, personation and illegal voting, and against the control on the part of employers of the votes of their employees.

DIGEST OF CORRUPT PRACTICE LAWS

England. 46 and 47 Vict. ch. 51 (1883). A corrupt practice consists in treating, using undue influence, bribery and personation, or in aiding or counselling such offenses. Any candidate guilty of a corrupt practice in any borough or county may not represent that borough or county in the House of Commons for seven years and if the offense be other than treating or the use of undue influence, he shall forever be debarred from holding a seat in the House of Commons except when it appears that the offense was trivial and the candidate took due caution to prevent it. One committing a corrupt practice other than personation is guilty of a misdemeanor and is subject to imprisonment not longer than one year with or without hard labor or to a fine of not over £200 and is disfranchised and disqualified for holding office for seven years.

One committing personation or aiding another in such a crime is guilty of a felony and punished by imprisonment at hard labor for not longer than two years. Voting when not qualified or inducing others to do so is an illegal practice. To bribe a candidate to withdraw from an election contest is an illegal payment. The use of any threat or force to induce an elector to vote contrary to his inclinations, or to refrain from voting, or because of his having done so constitutes "undue influence".

A candidate may pay for his own "personal expenses" in the campaign (i. e. reasonable hotel and traveling expenses and expenses incidental thereto) to an amount not exceeding £100, but any further expense must be incurred through an authorized election agent. Money may not be expended for hiring conveyances to take electors to the polls or for displaying election advertisements on an elector's premises, or for bands of music, torches, banners and the like.

A candidate's legal expenses are for: one election agent, a certain number of clerks, committee rooms, advertising, holding public meetings, stationery, etc.; in the aggregate they may not exceed a scale based upon the number of electors on the register. One knowingly making any payments or offering or accepting any employment not permitted by this act is guilty of an "illegal payment" or "illegal employment" and is liable to a fine not exceeding £100, and is not permitted to vote in the election. Every election bill or poster must bear upon its face the names of the printer and publisher. Violation on the part of a candidate constitutes an "illegal practice" punishable by a fine not exceeding £100 and disfranchisement and disqualification for holding office for five years; violation by another, is punished by a fine only. Publishing a false statement of the withdrawal of a candidate is penalized. Complete itemized accounts must be kept of election expenses and sums of over forty shillings must have vouchers. Claims against agents must be presented within fourteen days of a candidate's election and paid within twenty-eight days. The agent's expense statement must include the personal expenses of the candidate and

be sworn to and filed within thirty-five days of the election. If one sits in parliament when his statement is due but not filed he shall forfeit £100 for each day to anyone suing for the same unless there be a valid reason for delay. The returning officer receiving accounts of election expenses must publish a summary thereof in at least two newspapers in the county or borough of election.

58 and 59 Vict. ch. 40. One who knowingly publishes before or during a parliamentary election any false statement in relation to the personal character or conduct of a candidate to affect his election is guilty of an illegal practice. A candidate is not liable for the illegal practice of anyone other than his election agent unless he consented to the act or paid to circulate the false statement.

Canada. The dominion and provincial acts follow very closely the English statute with such modifications as are required for American conditions.

<i>Dominion Acts—</i>	Revised Statutes of 1906, vol. 1, ch. 6. vol. 1, ch. 8. vol. 1, ch. 9, secs. 5—9, 14, 25. Laws 1908, ch. 26. Laws 1910, ch. 10, sec. 235.
<i>Provincial Acts—</i>	
<i>Alberta—</i>	Stats. 1909, ch. 3.
<i>British Columbia—</i>	Stats. 1903-4, ch. 17.
<i>Manitoba—</i>	Rev. Stats. 1902, ch. 52. Amended 1903 1904 1906 1910.
<i>New Brunswick—</i>	Consolidated Statutes 1903 (52 Vict.) ch. 3. 4th Ed. VII, chs. 3, 4. 6th Ed. VII, ch. 21. 7th Ed. VIII, chs. 9, 10.

<i>New Foundland</i> —	Consolidated Statutes 1889, ch. III. 56 Vict. ch. 17 (1893). 61 Vict. ch. 42 (1898). 62 Vict. ch. 8 (1899). 1 Ed. VII, ch. 12 (1901).
<i>North West Territory</i> —	General ordinances, 1905, pp. 294, 644.
<i>Nova Scotia</i> —	Acts 1909, ch. 6.
<i>Ontario</i> —	Rev. Stats. 1897, chs. 9, 10. 61 Vict. ch. 5. 62 Vict. chs. 4, 5. 63 Vict. ch. 4. 1 Ed. VII, ch. 3. 2 Ed. VII, ch. 7. 3 Ed. VII, chs. 7, 19. 4 Ed. VII, chs. 3, 4. 6 Ed. VII, chs. 7, 8. 7 Ed VII, chs. 5, 6, 8.
<i>Prince Edward Island</i> —	8 Ed. VII, ch. I (1908).
<i>Quebec</i> —	Rev. Stats. 1909, v. I, pp. 122, 127, 188.
<i>Saskatchewan</i> —	Acts of 1908, ch. 2.
<i>Yukon</i> —	Consolidated ordinances 1902, pp. 44, 610.

United States—The power of congress to control elections at which representatives in congress are chosen is practically unlimited; even in questions where the election of other officers, state or municipal, are more vitally concerned.

Ex parte Siebold, 100 U. S. 371 (1879); Ex parte Clarke, 100 U. S. 399 (1879); Ex parte Curtis, 106 U. S. 371 (1882); Ex parte YARBOROUGH, 110 U. S. 651 (1883); James v. Bowman, 190 U. S. 127. (1903).

Act of Congress, Aug. 15, '76, ch. 287, sec. 6. Executive officers or employes of the United States are forbidden to request, give or receive from any officer or employe

of the government, any money or thing of value for political purposes.

Act of Congress, June 29, '06, ch. 3592, sec. 6. No court may issue a certificate of naturalization within thirty days of any general election within its territorial jurisdiction.

Acts of Congress, Mar. 4, '09, ch. 321, secs. 19-26; secs. 78-83. Any conspiracy to intimidate a citizen in the free exercise of any right or privilege secured under the constitution or laws of the United States or to prevent the exercise of such a right is punished by a fine of not over \$5,000, imprisonment for ten years and disqualification for holding office under the constitution or laws of U. S. Depriving one of such rights under color of any laws or because of nationality or race is punishable by fine or imprisonment. Naval or military officers who interfere with qualified voters are subject to fines of \$5,000, imprisonment for five years and disqualification for holding office. One using a false naturalization certificate or attempting to vote when not a citizen is punished by a fine and imprisonment. No national bank or corporation organized by authority of congress may make any campaign contributions. No corporation may make any contribution in connection with any election, at which presidential electors, or representatives in congress are to be chosen, or where a U. S. senator is to be elected by a state legislature. Violation of this provision subjects a corporation to a fine of not over \$5,000 and every officer or director authorizing such a violation is liable to a fine not to exceed \$1,000 and one year's imprisonment.

Act of Congress, June 6, '10, ch. 392. Political committees operating in more than one state or attempting to influence the election of congressmen must operate through political chairmen and treasurers and keep detailed accounts of all receipts and disbursements. Disbursements over \$10 in amount must be evidenced by vouchers. Political committees and persons, firms, etc., contributing more than \$50 independently of such a committee, must file within thirty days of an election, sworn, itemized statements of account with the clerk of the House of Representatives. For fifteen months such statements are to be open to public inspection. Failure to comply with this provision is punishable by a fine not exceeding \$1,000 or one year's imprisonment or both.

Alabama. Const. '01, Art. VIII, secs. 182-195. Those convicted of bribery or suborning witnesses to secure the registration of electors are disqualified for holding public office and disfranchised. False swearing at elections, false registration or paying the poll tax for another is punishable by imprisonment in the penitentiary for from one to five years.

Cr. Cd. '07, secs. 6778-6990. False declaration by an elector of inability to prepare his ballot, receiving money or valuables in exchange for one's vote, bribing electors or loaning money with the intent that it shall not be repaid or otherwise corruptly attempting to interfere with the free exercise of suffrage, is punishable by a fine of from \$50 to \$500. Bribery at primary elections is punishable by a fine of from \$100 to \$500. Any corporation or employer attempting to coerce or intimidate his employes, or threatening to discharge them or lessen their pay, in order to influence their

vote, or demanding inspection of an employe's ballot, is subject to a fine of \$500. Preventing a voter from casting his ballot may be punished by a fine of from \$500 to \$1,000 and imprisonment in the county jail from six months to one year. Voting more than once or where one is not entitled to vote is punished by a penitentiary sentence of from two to five years; registering for another, or more than once, or procuring the registration of anyone not a qualified elector, or making a false statement touching one's qualification for registering is punished by a penitentiary sentence of from one to five years; voting without being registered or taking an oath is penalized by a fine of from \$100 to \$1,000, or hard labor in the county jail from one to six months. Betting on elections is penalized by a fine of from \$20 to \$500. No person may dispose of any liquor on any election day or on the preceeding day. Candidates must file within thirty days after an election, sworn itemized statements of their canvass; failure to do so subjects them to fines of from \$100 to \$1,000.

Pol. Cd. '07, secs. 368, 514. Conviction of bribery or an attempt to influence a voter at a primary or regular election renders one ineligible to hold office for the term for which he was elected. The provisions of the general election laws apply also to the primaries.

Pol. Cd. '07, sec. 532. If a candidate works through a political committee or campaign manager he must so notify the judge of probate of his county. The committee or manager must also file statements of campaign expenses.

† *Arizona*. Rev. Stats. '01, Title IV, secs. 35-69. Illegal voting, registering, allowing one's ballot to be seen

or making any false statement of one's inability to mark his ballot, is punishable by a fine or imprisonment. Contributing or accepting any money or valuable thing in the form of a gift or loan to influence one's vote is illegal. It is unlawful to furnish entertainment to electors to promote the election of any person, or to convey voters to the polls, except those sick, infirm or at a distance, or to compensate anyone to secure the attendance of electors. It is a misdemeanor for one to work for the nomination or election of any candidate with the intention of receiving compensation therefor. Money may not be furnished to promote the election of any candidate except for holding public meetings to discuss public questions and to print and circulate handbills and papers. Within thirty days after an election, candidates and chairmen and secretaries of political committees must file sworn, itemized statements of all moneys contributed and expended in their campaign, stating from whom the contributions were received and to whom paid and for what purpose. Such statements are open to general inspection until the next general election. Any candidate failing to file such statement is guilty of a misdemeanor and forfeits the office should he be elected. Candidates' contributions must be voluntary and made at a meeting at which none but candidates are present. No committeeman may receive any thing from a candidate and it is a misdemeanor to ask a candidate for any contribution. One who has bet on any contingency growing out of the election forfeits his rights to vote. No candidate may make any bet nor furnish money for such a purpose. It is a misdemeanor to use threats or violence to prevent the attendance of electors at public meet-

ings to discuss public questions, or to influence them in voting. Employers or corporations may not use pay envelopes containing statements calculated to influence the political action of their employes nor post any notices in their establishments during the ninety days prior to an election, threatening the cessation of work or decrease in pay should any contingency depending upon the election occur. Violation is penalized by a fine and imprisonment. No liquor is to be dispensed on election day.

Title XX, sec. 2349. One entitled to vote at any election may absent himself from his employment for two hours for that purpose and be subject to no penalty or decrease of wages therefor. Application for leave must have been made the previous day and the hours may be specified by the employer. Violation of this provision by any employer is a misdemeanor, punishable by imprisonment in the county jail.

Laws '09, ch. 24. What constitute offenses against the general election laws are also offenses if committed at a primary election.

Arkansas. Const. '74, Art. III, sec. 6. Bribery or other wilful and corrupt violation of any election law is a felony, and disqualifies one for holding any public office in the state.

Kirby's Digest '04, secs. 1665-2897. Bribing or intimidating or unduly influencing electors by threat of violence, foreclosure of mortgage, discharge from employment or expulsion from any society, deceiving an illiterate voter, any elector's taking any valuable thing in consideration for his vote, and voting illegally constitute penitentiary offenses. Dram shops must be closed on elec-

tion day and the succeeding night and no liquor is to be given away.

Giving away liquor on election day, with or without reference to the election constitutes an offense. *Wolf v. State*, 59 Ark. 297 (1897).

Laws '07, p. 163. Mills, mines, shops and factories must close or change their force not later than 4 P. M. on election day that employes may vote. The failure of any superintendent or one in charge to do so is a misdemeanor, punishable by a fine of from \$25 to \$250.

Laws '09, p. 505. Illegal voting, accepting or offering any bribe, or intimidating any elector at a primary election is punished as a felony by imprisonment in the penitentiary at hard labor. Soliciting or accepting any donation from a candidate or any candidate's offering a contribution is punishable by a fine of from \$25 to \$300. Within fifteen days of a primary election every candidate must file with the county clerk, and within thirty days with the secretary of state, a sworn itemized statement of his expenses in the campaign. Failure to do so is punishable by a fine of from \$50 to \$1,000.

d. California. Const. 1880, Art. XX, secs. 10, 11. One convicted of bribery to secure an election or appointment is disqualified for holding office.

Kerr's Crim. Cd. '08, Pt. I, Title IV, secs. 42-64. Illegal registration, voting, or personation, is a felony; aiding or counseling one to vote knowing him not to be qualified is a misdemeanor. Deceiving an illiterate voter, attempting to influence an elector by force, threats, bribery or corrupt means or to deter him from exercising his right of franchise; paying or loaning any valuable thing, promis-

ing or attempting to procure an office; furnishing money for bribery, board or lodging to secure votes; inducing one to withdraw as a candidate; or receiving any reward for voting or securing the indorsement of any candidate by any club or convention, is a felony. Furnishing entertainment or conveyances for electors other than to convey those sick and infirm to and from the polls, or giving money to promote the election of any candidate, except for holding and conducting public meetings for discussion of public questions and for printing and circulating bills and papers, is a misdemeanor. Betting on the election or disposing of liquor while the polls are open is a penalized. It is a misdemeanor for employers to display upon pay envelopes anything calculated to influence the political action or opinions of their employes, or within ninety days of an election to display any notice to the effect that upon the occurrence of any contingency dependent upon the election, work will cease or pay be reduced; or to display any notice containing threats calculated to affect the political action of their employes. Violation by a corporation forfeits its charter. It is a misdemeanor to demand that a candidate for a legislative body pledge his vote on any measure which may come before that body and if any candidate make such a pledge he is disqualified for office if elected. It is a misdemeanor to write, print or circulate anything designed to injure a candidate or reflect upon his personal character or political action unless there be conspicuously displayed thereon the name of the chairman or secretary or of at least two officers of the organization issuing it, or the name and residence of a voter of the state responsible for the same. It is a misdemeanor for a printer to issue such matter without showing where it was printed. It is a felony for any

candidate for the U. S. Senate to give or loan any money or property to a candidate for the legislature, or for the latter to receive it, either before or after his nomination or election under an expressed or implied promise that he will support the candidate for the U. S. Senate. These laws are applicable to the primary as well as to the general elections.

Laws '07, p. 671. Every candidate voted for at any public election must file within fifteen days after the election, an itemized sworn statement showing in detail all moneys loaned or contributed by him or furnished him to aid his election. The statement must show from whom contributions were received and to whom they were paid and for what purpose. Vouchers must be shown for all expenditures over \$5. Every political committee must act through a treasurer in receiving and expending money. The only expenses which may be legally incurred are those for public meetings for discussion of public questions, for printing and circulating papers and for advertising, postage, etc., supervising registration, election and counting of ballots and an amount for maintaining headquarters, not to exceed \$100 for a candidate nor \$1,000 for a political committee. The total expenditures of candidates must not exceed a certain fixed percentage of the salary of the offices for which they are candidates. All claims for campaign expenses must be presented to the candidate or political committee within ten days after the election and paid by the candidate in twelve or by the committee in fifteen days. Violation of these provisions is a misdemeanor.

It is constitutional to provide that a candidate file a statement of election expenses or forfeit the office, if elected. A promise of patronage is illegal. *Bradley v. Clark*, 133 Cal. 196 (1901).

Laws '09, p. 691. The money spent in the primary must not exceed certain specified amounts determined upon the number of votes cast for the office at the last general election. Candidates must file in duplicate verified statements of every sum contributed or expended to secure nomination. One copy must be filed with the officer issuing certificates of nomination and one with the county recorder.

^ *Colorado.* Mills' Anno., Stats. '90, ch. 36, secs. 1369-1714 (Gen. Laws '77, pp. 368-395; Laws '87, secs. 347-349). Voting more than once or in a precinct where one is not a resident, or procuring false registration, or aiding another to do so at any election or primary, or participating in the primary of a party to which one does not belong is a misdemeanor punishable by a fine or imprisonment or both. Personation is punishable by hard labor in the penitentiary not to exceed three years.

Persons influencing voters by bribery or other corrupt devices or attempting to disturb their free exercise of the suffrage or deceiving them in the preparation of their ballots; and electors receiving bribes in the general election or primary, are guilty of misdemeanors punishable by fine or imprisonment or both.

Saloons must be closed and no liquor is to be dispensed on election day.

The use of money in the primary election except for the holding of public meetings and publication of campaign literature is punishable as a misdemeanor by a fine or imprisonment or both. Corporations or employers must not attempt to influence the votes of their employes under penalty of a fine of from \$500 to \$1,000.

Laws of '91, p. 165. Employees entitled to vote may absent themselves for that purpose for two hours and be subject to no penalty or deduction of wages therefor except those working by the hour. Application for absence must have been made the preceding day and the hours may be specified by the employer. Failure to comply with this provision or subjecting an employe to a penalty, is a misdemeanor. Pay envelopes shall not contain any mottos or devices calculated to influence the political action of employes, nor shall notices be displayed within ninety days of an election, suggesting that the amount of work or the pay of employes will be reduced or increased in the event of any election contingency. Violation by employers or officers of corporations, is a misdemeanor. Corporations attempting to influence political actions of employes by threats or violence are guilty of misdemeanors and forfeit their right to do business in the state. Bribery, intimidation, or the use of violence by those not employers for the purpose of influencing the vote of electors is penalized. Betting on the elections is a misdemeanor.

Every candidate and every chairman of a political committee presenting candidates must file within thirty days after an election a sworn itemized statement showing in detail all moneys contributed and indicating to whom and for what purpose they were expended. Neglecting to comply with this provision causes the forfeiture of the office and is punishable by a fine or imprisonment in the penitentiary or both.

Laws '09, p. 141. The amounts candidates may contribute is limited to 40% of the first year's salary. The

making of contributions by others or by corporations or the receiving of such funds by a candidate or a political committee is a felony.

6. *Connecticut*. Gen. Stats. '02, sec. 43; secs. 1700-1714; sec. 2699. Fraudulently registering or inducing an elector to refrain from voting is punished by a fine or imprisonment or both. Personation, perjury as to an elector's qualifications, or illegal voting is punished by a fine, imprisonment and disfranchisement. A legislator elected by any illegal practice forfeits his seat. Betting, stakeholding or keeping a place where pools are sold on the election is punishable by a fine and imprisonment. Employers who influence the votes of their employes by threats or penalties are punished by a fine or imprisonment or both.

Laws '03, ch. 207. Attempting to induce an elector to mark his ballot that it may be identified to indicate how he voted or that it may be thrown out, is a penitentiary offense.

Laws '05, ch. 181. Printing and circulating unofficial ballots is penalized by fine or imprisonment or both.

Laws '05, ch. 273. Participating in the primary of a party to which one does not belong, or in an election in a precinct where one does not reside, or procuring the false registration of another, is penalized by a fine and imprisonment.

Laws '07, sec. 21. Acts which constitute offenses against the general election laws are also offenses if committed in the primaries.

Laws '09, ch. 353. Candidates and political committees are required to act through political treasurers and agents and no person other than the candidate may con-

tribute to the campaign expenses except through the political treasurer or agent. No corporations or judges, except of probate, may contribute at all. Candidates may pay certain specified personal expenses. What constitute lawful expenditures for political agents are designated. Political treasurers and agents must file sworn, itemized statements of campaign expenses within fifteen days of the election and are subject to fines for each day's delay. For fifteen months, all statements filed are to be open to public inspection. The following are declared corrupt practices and are punished by fine or imprisonment or both: bribery, the solicitation of funds from candidates for any club or political organization, promising employment or positions of trust, making payments in other than one's own name and the use of corporation funds for political purposes.

1 *Delaware.* Const. '97, Art. V, secs. 3, 7. Bribery in registration and election is forbidden and in the latter case is punished by a fine or imprisonment or both and by disfranchisement for ten years. Betting on elections is a misdemeanor.

Cd. '52, Rev. of '93, ch. 16. Bribery and illegal voting are punishable by fines. A candidate guilty of bribery or offering to serve for a less sum than the law allows is disqualified for holding office for five years, and must vacate any office to which he has been elected. One betting on an election may be sued for twice the amount of the bet and a stakeholder paying over such money is personally liable. The sale of liquor on any election day is punishable by a fine and one convicted shall not receive a license for two years. A qualified voter who is prevented from

voting by intimidation or force has a right of civil action against the person preventing his voting and may vote elsewhere.

Vol. XVI, '81, ch. 329. A person or corporation attempting to hinder or intimidate a qualified voter in exercising his right to vote or bribing him or threatening to affect his employment is guilty of a misdemeanor, punishable by a fine from \$500 to \$2,000 or imprisonment, if a natural person. Every elector so aggrieved may sue for a sum not to exceed \$500.

Vol. XXI, '98, ch. 35. Illegal registration or personation or registering without first having one's name removed from a prior register, or preventing the registration of a qualified elector, or making any assault or riot near any registry place is punishable by a fine not to exceed \$500 or imprisonment for not more than three years, or both.

Florida. Gen. Stats. '06, secs. 170, 3826. Illegal voting or personation in an election or primary is punishable by fine or imprisonment; attempting to influence an elector by bribery or intimidation, and making false declarations of one's ability to prepare his ballot, are penitentiary offenses. For being interested in any election wager one is liable to a fine as high as \$300. Any one convicted of bribery or betting on elections is disfranchised. Any employer discharging or threatening to discharge any employes for voting or not voting in any election may be fined not to exceed \$1,000 and any officer of a corporation giving such an order may be fined not more than \$500 or imprisoned six months. No corporation may contribute for political purposes. Violation of this

provision vitiates its charter, if a domestic corporation, and forfeits its right of doing business in the state if a foreign corporation. Violation by an officer or agent of a corporation is punishable by a fine of from \$1,000 to \$10,000 or a state's prison sentence of from two to five years or both. Any one aiding or advising a violation of this provision is punishable as is the principal offender. No liquor may be sold between 6 P. M. on the day before elections and 6 A. M. on the day after.

Laws '09, No. 60. Candidates are required to file sworn itemized statements of all campaign expenses to date, not later than ten days before the primary. This must include the names of all contributors whether persons or corporations and state their relation to the candidate, whether by blood, marriage, business, political or fraternal association and include the names of all those making him loans, which would not be made him were he not a candidate. Not later than ten days after the primary another statement must be filed showing such expenses as were incurred after the first statement was filed and also a list of his "political workers", i. e. those who left their regular avocations to further his candidacy. A candidate refusing to comply with this act is subject to a fine not exceeding \$500 and his name will not be placed on the official ballot nor presented before the legislature as a candidate for the U. S. Senate. No one whose intention of becoming a candidate has been made known shall contribute to or promise any person or association any money, liquor or thing or value to influence votes, or make contributions to churches, schools or charitable institutions. The making or receiving of gifts in violation of this provision, shall be considered

bribery and one convicted thereof shall be subject to imprisonment not less than one year and disfranchisement for ten years. For a second offense one is forever disfranchised and subject to a penitentiary sentence of five years. It is a misdemeanor for a tax collector to receive a poll tax from any one besides the person taxed unless at the latter's request and before the second Saturday in the month preceding the primary. Illegal voting in the primary is punished by a fine not to exceed \$1,000 or by imprisonment in the county jail not longer than one year or both. One entitled to vote in the primary may absent himself from his employment a reasonable time therefor and be subject to no penalty. It is a misdemeanor to distribute cards or political matter near the polling places.

Georgia. Cd. of '95, Vol. III, sec. 446, secs. 625-635. Furnishing liquor on election day within two miles of the polls is a misdemeanor. Illegal registration or personation is penalized.

Vol. I, sec. 32. Those convicted of bribery or penitentiary offences are disfranchised.

Laws '05, p. 111. Buying or selling votes in the primary, or contributing money therefor, is a misdemeanor punishable by a fine not to exceed \$1,000, or work in the chain gang for not more than six months.

Laws '06, p. 46. Buying and selling votes or contributing money therefor, and illegal voting, are misdemeanors.

Laws '08, p. 63. Candidates must file, within twenty days of a primary or election, a sworn, itemized state-

Code of 1895, vol. III, sec. 635—The act is constitutional; drunkenness is no excuse for illegal voting. *McCool v. State*, 91 Ga. 740—(1893).

ment of all money contributed and expended, and show from whom it was received, and to whom paid, and for what purpose. The statement must be printed in some newspaper of general circulation published at the state capital. Violation of this provision is a misdemeanor, and no one so violating it shall be a nominee of his party. It is illegal for a corporation, or an agent thereof, to make or authorize any campaign contribution. Any corporation violating this provision is subject to a fine of ten times the amount of the contribution, but not less than \$1,000. Officers authorizing the contribution may be imprisoned for from one to four years.

Hawaii. Rev. Laws '05, secs. 33-36. Every candidate must furnish inspectors at each precinct on the day before an election a complete list of the persons allowed by law to be employed. No person not on the list may work at a polling place in behalf of a candidate; gratuitous assistance is not forbidden. Itemized, sworn statements of election expenses must be filed by each candidate, agent and committee within twenty days of any election, showing the amount expended and the purpose of expenditures. This statement is open to public inspection. Only the following constitute legal expenditures: personal expenses of candidates, printing and advertising, stationery and postage, public meetings, expenses for a committee room for each polling place, a limited number of clerks, and a watcher at the polls.

Rev. Laws '05, secs. 107-111. There are two classes of offenses against the election laws—election frauds and misdemeanors. The following constitute election frauds: giving, lending or promising money or employment to

influence an elector in his use of the franchise ; making any loan or gift to any other than those authorized by law to receive the same ; furnishing money to be used as bribes or to convey voters to the polls ; re-paying money unlawfully expended ; providing entertainment for electors ; the use of violence or intimidation to prevent the free exercise of the elective franchise ; receiving any consideration by electors for voting or refraining from voting for any person or party ; illegal voting or personation ; publishing a false statement of the withdrawal of a candidate ; inducing a candidate to withdraw by bribes or threats. One found guilty of any of these offenses is subject to a fine of from \$100 to \$1,000, or imprisonment at hard labor for from ten days to two years, or both, and is disfranchised and disqualified for holding office.

The following constitute misdemeanors : being employed to promote or prevent the election of any candidate except as authorized by law ; establishing committee rooms where intoxicants are sold ; a candidate's failing to furnish a list of agents as required by law or to file election expense accounts. Violation of any of these provisions is punishable by a fine not greater than \$500, and imprisonment at hard labor not more than six months, or both.

Idaho. Const. 1889, Art. VI, sec. 3 ; Pol. Cd. '09, ch. 1, sec. 358. Those guilty of buying or selling or offering to buy or sell votes are disfranchised.

Pol. Cd. '09, ch. 6. The provisions of the general election laws are applicable to the primary. A candidate may contribute only for his "personal expenses", i. e. those incurred by him in traveling, the publication and

circulation of political literature, and the holding of public meetings on political questions. The total expenditure must not exceed 15% of the yearly salary of the office he seeks. Within ten days of the primary a sworn statement must be filed showing to whom and for what purpose money was expended. Violation of this provision subjects a candidate to a fine of from \$100 to \$500, imprisonment in the county jail from one to six months and disqualifies him for the office for which he was a candidate. Soliciting or receiving money, liquor or other valuables or their payment to influence votes in the primary is penalized.

Pen. Cd. '09, Title III, pt. 1, ch. XIX. Fraudulent registration, and voting or assisting or advising another to vote when he is not entitled to is a misdemeanor punished by fine and imprisonment. Voting more than once or in the name of another or interfering with electors in the exercise of the franchise is a felony. Attempting to influence an elector by force, threats, bribery or other corrupt means such as the threat to collect a debt, institute criminal proceedings, discharge from employment or withdrawal of trade; or deceiving an illiterate voter is a misdemeanor. Receiving or soliciting any consideration for one's vote is a felony and one convicted of so doing is forever disfranchised and disqualified for holding office. Saloons must be closed from 6 A. M. to 8 P. M. on an election day and no liquor is to be dispensed under penalty of a fine of from \$25 to \$100 and revocation of license.

The usual penalty for violation of the above provisions is a fine not to exceed \$1,000 or imprisonment not to exceed five years or both.

Illinois. Const. '70, Art. IV, sec. 4. Conviction of bribery disqualifies one for the General Assembly or any office of profit or trust.

Hurd's Rev. Stats. '09, ch. 46, secs. 79-318. Illegal registering is penalized. Voting illegally or falsely stating one's qualifications as an elector, aiding or abetting one not legally qualified to vote, deceiving an elector as to the contents of a ballot, preventing or attempting to prevent an elector's attending an election, or betting on the election, is punished by a fine not to exceed \$1,000 or imprisonment in the county jail not to exceed one year or both. Making a false statement as to one's ability to prepare a ballot is punished by a fine. Soliciting or receiving money, liquor or other things of value to influence voters is punished by imprisonment in the county jail for from three months to one year and disfranchisement for from five to fifteen years. For a second offense the punishment is perpetual disfranchisement and imprisonment in the county jail at least one year. One offering to vote when disfranchised shall be confined in the penitentiary for from one to ten years. The payment of a bribe by a candidate or another to influence a voter is not punishable. An employe may absent himself from his employment for the purpose of voting for a period not longer than two hours and be liable to no penalty or deduction of wages therefor. Application for absence must have been made the day before and the hours may be specified by the employer. Any employer refusing to allow his employe time to vote or deducting from his wages for such absence is guilty of a misdemeanor and liable to a fine of from \$5 to \$100. No liquor is to be given away or sold on election day nor

shall any place within one mile of an election place be open for the sale of liquor. Violation of this provision is penalized by a fine of from \$25 to \$100.

Laws of '10, p. 46, secs. 64-78. Illegal voting in the primary, or aiding an unqualified voter to vote, or preventing an elector's voting is penalized. Bribery and dispensing liquor are punished as in the general election laws. The candidate is not liable for bribery.

Indiana. Const. 1851, Art. II, sec. 6. One is disqualified for holding office for the term for which he may have been elected who has given or offered a bribe, or reward to secure the election.

Burns' Anno. Stats. '08, vol. 1, secs. 2468-2585; 6881-7111. Voting more than once, or in the wrong precinct, or when not qualified, or making a false declaration of one's ability to mark one's ballot in the election or primary is punished by a fine, imprisonment, disfranchisement and disqualification for holding office. Inducing persons to come from another state to vote or so coming and voting subjects one to a fine of from \$50 to \$1,000 and imprisonment in state's prison for from one to five years. Inducing one to mark his ballot so that it may be identified or so marking it, or deceiving an illiterate voter is a felony. Buying or furnishing money to buy votes or selling votes is punished by a fine not to exceed \$50 and disfranchisement and disqualification for any office of trust for ten years from the date of conviction. Bribery in the primary and working through hired workers is punished by fine, disfranchisement and disqualification for holding office. Bribery in elections is punished by a fine of from \$50 to \$1,000 or imprisonment in the penitentiary for from one

to five years; or both disfranchisement and disqualification for office. Bribery in the primaries is a felony punished by imprisonment for from six months to five years and disfranchisement for at least ten years. Betting in the election is punished by a fine twice the amount of the bet and in the primary by a fine of from \$5 to \$100 to which may be added a sentence to the county jail for from ten days to three months. Attempting to influence a voter by threatening to enforce payment of a debt or eviction from a house, beginning criminal prosecution, injuring business or trade, dismissing him from employment, withholding wages; or refusing an employe time to vote is punished by a fine from \$20 to \$100 and imprisonment in state's prison for from one to five years, disfranchisement and disqualification for holding office. For a period of four hours after the opening or any polls no one shall be employed in any manufacturing, mining, mechanical or mercantile establishment or on any railway in the state except in necessary work; in the latter case employes must be given some other four hours in which to vote. This provision may be enforced by mandamus proceedings and its violation is a misdemeanor punishable by a fine of from \$50 to \$100. The sale or gift of liquor on election day is penalized.

The general election laws regulating corrupt practices, apply to the primaries.

Indiana.

Under sec. 2554 a briber is ineligible to hold office. *Carroll v. Green*, 148 Ind. 362—(1896).

Sec. 2555 of code of '08. The legislature may inflict a penalty on the vote seller and not on the vote buyer and may offer a reward for the conviction of the vote seller,—*Baum v. State*, 157 Ind. 282, 61 N. E. 672—(1902).

Secs. 2566-67. To render one ineligible to hold office because of bribery, he must be convicted of bribery. But the election may be contested before conviction. *Tinkle v. Wallace*, 167 Ind. 382, 79 N. E. 355-(1906).

A conditional contract to pay depending on the result of an election is within the statute penalizing betting. *Javis v. Leonard*, 69 Ind. 213 (1880).

13 *Iowa*. Cd. '97, sec. 1123. An employe may absent himself from his employment on election day for two hours for the purpose of voting and be liable to no penalty or deduction of wages therefor. Application for absence must have been made the preceding day and the hours may be designated by the employer. Any employer refusing to comply with this provision or attempting to intimidate or control the vote of his employe is subject to a fine of from \$5 to \$100.

Cd. '97. Sup. '07, secs. 4914—4931. Illegal voting in the election or primary or advising one to vote knowing him not to be qualified is punished by fine or imprisonment in the county jail. Illegal registration or personation is a penitentiary offense. Offering or receiving a bribe or payment to influence a vote in an election or for the performance of any service on election day in the interests of any candidate is punished by a fine and imprisonment in the county jail. Hiring carriages to convey voters on election day is not forbidden. Attempting to influence electors by threats of violence, withholding custom or trade, enforcing payment of debts or bringing civil or criminal action or any other injury is punished by a fine not greater than \$500 or imprisonment in the county jail

not longer than one year. For one to vote in the primary of a party to which he does not belong is a misdemeanor.

A candidate offering to pay back a portion of his salary into the public treasury is liable for bribery.—*Carrollers v. Russel*. 53 Ia. 346—(1881).

Cd. '97, Sup. '07, Title XII, sec. 2448. Places where liquor is sold must not be open on election day.

Laws '07, chs. 50, 51, 73. Within ten days after the primary, candidates must file sworn itemized statements of their receipts and expenditures for campaign purposes. Chairmen of the various central committees must file similar statements within ten days after the general election. These statements are open to public inspection and become part of the permanent records of the office where filed. Those guilty of treating electors to cigars or refreshments about a polling place are guilty of misdemeanors punishable by fine or imprisonment. Paying and receiving money or inducements for services performed in the interests of a candidate are penalized. Offering or receiving bribes or illegally voting in the primary is punished by fine and imprisonment. Corporation contributions for campaign purposes must not be given, received, or solicited under penalty of imprisonment from six months to one year or a fine not greater than \$1,000.

Kansas. Const. 1851, Art. V, Sec. 6. Whoever gives a bribe to procure his election is disqualified for holding office for the term for which he was elected.

Gen. Stats. '09, secs. 2688–3326; secs. 4384. Voting more than once or when knowing one's self to be unqualified, personation, and deceiving a voter so that he votes contrary to his desire, are punished by fine and imprisonment. Giv-



CORRUPT PRACTICES AT ELECTIONS

ing any money, reward, office or employment to procure an election, is bribery and is punished by imprisonment and hard labor for not longer than five years. Any office thus procured must be vacated. It is unlawful to make any loan or give any money to influence the vote of an elector or to secure his presence at the polls or to gain his influence in any election. The penalty for violation is a fine from \$100 to \$1,000 or imprisonment in the penitentiary not longer than two years or both. It is illegal for an elector to mark his ballot or otherwise indicate how he voted. Betting on an election or holding stakes for such a bet is punished by a fine of not more than \$500. A candidate may not give any liquor or cigars on election day or pay for such distribution. It is a misdemeanor for one to have liquor in one's control within half a mile of a polling place on election day. An employer refusing to allow his employes to absent themselves from his employment for a period not to exceed two hours to vote, or anyone attempting to influence an elector by threats or intimidation or to oppose his attendance at the polls to vote is guilty of a misdemeanor. Every political organization must have a treasurer who must file an itemized sworn statement of the receipts and expenditures in the campaign under penalty of a fine not to exceed \$100 for refusing to do so. What is unlawful for a candidate to do is also unlawful for a political committee to do.

One convicted of a felony under this act is disfranchised and disqualified for holding any office and if already holding an office, must forfeit it.

Laws '09, p. 20. The provisions of the general election law are also applicable in the primary elections.

Kentucky. Const. 1891 secs. 145-150. For bribery at elections one is disfranchised, and if a candidate, is disqualified for holding office for the term for which he was elected. For bribery, a domestic corporation must forfeit its charter, and a foreign corporation, its right of doing business in the state.

Russell's Stats. '08, secs. 3405-3444 (Acts '92, p. 156; '94, p. 163; '00, p. 41). False or double registration, or attempting personation is a misdemeanor. Voting in a precinct where one does not reside, or more than once, or in the name or with the naturalization papers of another; intimidating voters or preventing their casting their votes, are penitentiary offenses. Giving, loaning or receiving money or things of value to influence electors in voting or to be used in betting on the elections is punished by a fine not to exceed \$500 or imprisonment or both and exclusion from office and the suffrage. Giving away or selling liquor on the day of a general election or primary is a misdemeanor. An employe may absent himself from his employment for the purpose of voting, for a period not to exceed four hours and be liable to no penalty or deduction of wages therefore. Application for such an absence must have been made the preceding day and the hours may be specified by the employer. Any employer or corporation refusing to comply with this provision is guilty of a misdemeanor punishable by a fine of from \$50 to \$500. Corporations are prohibited from subscribing to political campaigns or attempting to influence the votes of their employes under penalty of the repeal of their charters and a fine of from \$500 to \$5,000. An officer or agent who disburses corporation funds for campaign purposes is guilty

of a misdemeanor and punished by a fine of from \$250 to \$1,000 and imprisonment in the county jail at hard labor for from three to twelve months. Any offenses against the general election laws are also offenses if committed in the primary.

La. Louisiana. Acts '68, p. 64. Employers attempting to control the votes of their employes are subject to fines of from \$100 to \$500.

Acts '90, p. 62. Attempting to influence electors by bribery, or receiving a bribe for one's vote, is punished by imprisonment at hard labor for from six months to three years and a fine of from \$50 to \$2,000, whether committed in the general or primary election.

Acts of '98, p. 266, secs. 41, 42. Personation or voting when not qualified, aiding another in so doing or hindering an elector in the exercise of the franchise is punished by a fine not exceeding \$1,000 or one year's imprisonment.

Acts '00, p. 203. One voting in the primary when not qualified, or more than once, or attempting to influence voters by bribery or intimidation; or any elector accepting a bribe is guilty of a misdemeanor and is punished by a fine of from \$25 to \$300 or imprisonment or both and is disqualified from voting in a primary for four years or for holding an elective or appointive office in the state.

Acts '06, p. 81, secs. 30-37. Voting twice, influencing voters by bribery or intimidation, or disposing of liquor within one mile of a polling place on an election day is punished by a fine of from \$50 to \$500, imprisonment not exceeding one year and disqualification for holding office for four years.

Acts '08, No. 96. Registering or voting on false naturalization papers is punished by a fine of not less than \$500 and imprisonment for not less than six months.

Maine. Rev. Stats. '03, secs. 95-100. Voting when knowing one's self not qualified is punished by imprisonment. Attempting to influence a vote by bribery or other corrupt means is punishable by fine and imprisonment and ineligibility for any office for two years. Betting on elections is punishable by forfeiture of the wager.

Laws '09, p., sec. 29. Making a false statement of one's ability to prepare a ballot or showing how a ballot was marked is punished by a fine.

Maryland. Cd. '04, Art. XXVII, sec. 29. Giving or promising any reward to influence voters, or keeping any place where intoxicating liquors or victuals are gratuitously dispensed upon an election day is punished by imprisonment and fine.

Art. XXXIII, secs. 87-102. Registering in the name of another or where one is not a qualified elector or aiding another to so illegally register, or, preventing by force, intimidation or bribery the registering or voting of one who has a legal right to register or vote is punished by imprisonment in the county jail or the penitentiary for from six months to five years. One convicted of bribery or attempting to vote when disfranchised is punished by imprisonment in the penitentiary for from one to five years. False declarations of one's ability to mark one's ballot or marking one's ballot so that it may be discovered how he has voted, is penalized. Every employe who is qualified to vote is entitled to absent himself from his employment not longer than

four hours to vote and is liable to no penalty therefore. Disposing of liquors on election day or making any bet upon the elections is punished by a fine.

Laws '08, p. 125, secs. 163-172. Every political committee must operate through a political treasurer who must submit a sworn, itemized statement of all money passing through his hands and state to whom it was paid and for what purpose. Failure to do so subjects him to a fine of from \$300 to \$1,000 or to a two years imprisonment or both. None but a candidate may contribute to a campaign fund for the success or defeat of a candidate, party or proposition. No candidate may within six months of a campaign, make any such payments except an amount to the political treasurer determined by the number of voters voting at the last election for the office he seeks, and for such personal expenses as postage, printing, telegraphing, travel, etc. The political treasurer may expend money only for certain designated purposes such as conducting public meetings, printing and circulating campaign literature, expenses of committee headquarters, traveling expenses, carriages for voters on election day, etc. Payments must be reasonable for the services performed and be authorized by the political secretary or chairman. All campaign material issued in periodicals shall be designated "advertising." Within twenty days after an election or primary, detailed, sworn statements must be filed, stating what the assets and liabilities of the political committee have been during the campaign. Failure to record such a statement is punishable as a misdemeanor by a fine of from \$300 to \$1,000. Such statements are to be on file and open to public inspection for

three years. It is a corrupt practice to give, offer, or receive money or other inducements to influence voters; to make campaign contributions, except to a political agent or treasurer, or to make any payments in a name other than one's own; for employers to attempt to influence the political actions of their employes by notices posted in the establishment or printed on pay envelopes threatening a lessening of wages or work in the event of any election contingency; or to give entertainment to a voter to influence him. Violation of these provisions is penalized by a fine of from \$300 to \$1,000, imprisonment and ineligibility for public office for four years. The officers or agents of a corporation who make corporation contributions to any political campaign fund are personally liable to a fine not to exceed \$5,000 and imprisonment not exceeding three years.

Laws '10, p. 126. What are offenses against the general election laws are also offenses if committed in the primary and are punishable in the same way. Penalties are specified for the sale of liquor and for betting on the primary.

Candidates for the U. S. Senate must file within thirty days of the primary, sworn, itemized statements of their expenses. No certificates of election are to be issued until campaign expense accounts have been filed and verified. Failure to file statements is punished by a fine of from \$300 to \$2,000 and imprisonment not longer than two years or both.

Massachusetts. Const. Part I, ch. VI, Art. II. No person who has been convicted of bribery or corruption in obtaining an election or appointment shall be permitted

to hold a seat in the legislature or any office of trust or importance under the commonwealth.

Rev. Laws, Sup. '08, ch. 11, pp. 169-194. Attempting to register or to vote in a primary or election when not entitled to do so, or in the name of another; or making false statements of one's ability to mark a ballot, marking a ballot that it may be identified, aiding another to vote illegally or commit any election frauds; or hindering an elector entitled to vote from voting, is punishable by imprisonment not longer than one year. Influencing electors by bribery or the promise of public appointments, is penalized. Except in such business as may be lawfully conducted on Sunday, no employes who have made application for leave of absence to vote shall be employed during the first two hours after the opening of the polls. No person may make political contributions except for certain "personal expenses" or those made to a political committee and all payments must be made in one's own name. Payments made by a candidate to a political committee must be unsolicited. No corporation with power to condemn land shall make any political contribution under penalty of a fine of not more than \$10,000. A fine not to exceed \$5,000 or imprisonment not to exceed one year is imposed for violation by an officer. No political committee or person may pay any expenses for the naturalization of an alien. Political committees must work through political treasurers who must keep detailed accounts of their receipts and expenditures and show vouchers for all expenditures over \$5. Every person disbursing more than \$20 must file detailed, sworn statements of his campaign receipts and expenditures. Candidates

must file detailed accounts of all except "personal expenditures". Statements of campaign expenses must be kept fifteen months and be open to public inspection. The usual penalties for the commission of corrupt practices is imprisonment not to exceed one year or a fine not to exceed \$1,000.

Acts '10, p. 28. It is unlawful to publish in a newspaper or periodical any paid campaign matter unless it is designated as "advertising" and signed by those responsible therefor. Editorial influence must not be bought or sold unless the publication itself is purchased. It is illegal to write, print or display any anonymous political material reflecting upon any candidate.

Michigan. Comp. Laws '07, secs. 3525-3653; secs. 11438-11457. Personation, voting twice or in a place where one is not qualified, or aiding another to do so is a misdemeanor. Illegal voting in the primary is punished by a fine not exceeding \$1,000 or imprisonment, or both. Those are guilty of bribery who give, promise or receive any money, employment or other inducement to influence any vote. One guilty of bribery or influencing an elector by corrupt means is punishable by fine and imprisonment and if a candidate may be ousted from office. Betting on the results of an election is punishable by a fine of at least twice the amount of the bet and from \$5 to \$500. Keeping an establishment where such bets are registered is punished by imprisonment or a fine to \$1,000. Liquor may not be dispensed on election day. No candidate may provide any refreshments for electors on election day but may pay reasonable expenses of advertising, holding public meetings and getting the attendance of voters at the

polls, but not for carriages. The use of threats or undue influence by an employer in regard to his employees or by a priest or pastor in regard to his parishoners is penalized.

Acts '09, No. 281. Use of money, liquors or other things of value to influence votes or the solicitation of contributions from candidates except by political committees is forbidden. The posting or distribution of bills and pictures is forbidden. The use of newspapers by candidates as advertising mediums is regulated.

Minnesota. Rev. Laws '05, ch. 6, secs. 283; 348-379. Causing one's name to be registered in more than one district or where one is not a qualified elector; voting more than once or where not qualified, or aiding or advising another so to do; procuring votes by offers of money or employment or advancing money to be used in bribery; or demanding money in consideration for one's vote, is a felony. Influencing electors by threats or intimidation is a gross misdemeanor. An employe may absent himself from his employment for the purpose of voting, during the forenoon and be liable to no penalty therefor. Interference by an employer in an employe's right of suffrage is a misdemeanor. Candidates may make contributions for but certain purposes, including personal travelling expenses, conducting campaign headquarters, public meetings, printing, stationery, postage, etc. The total amount of a candidate's contribution is regulated by a scale based upon the number of votes cast for the office he seeks at the last election. It is a misdemeanor for a candidate to give any entertainment to influence electors within ten days of a primary or sixty days of an election. All candidates for nomination or election, including those for the office of U. S. Senator,

and every political treasurer or other person authorized to receive and disburse campaign funds must file itemized, sworn statements of their campaign expenses within thirty days. Negligence in compliance with this provision is a misdemeanor for the political treasurer and a gross misdemeanor if committed by the candidate. Writing, printing or circulating anonymous and defamatory campaign material is a gross misdemeanor.

7 *Mississippi.* Cd. '06, sec. 905; secs. 1120-1770; secs. 3719-3727; secs. 4121-4138. Illegal registration is a penitentiary offense. Voting when not qualified or in the name of another or marking a ballot so that it may be identified, is punished by a fine and imprisonment in the county jail. Candidates using liquor to influence the votes of electors are subject to a fine and imprisonment and disqualification for office; the disposal of liquor on the part of others on election day is penalized. Buying or selling votes or paying workers to aid or oppose any candidate or measure in a campaign is punished by a fine of from \$50 to \$500 or imprisonment for six months or both. For bribery one is disfranchised. The intimidation of electors to influence their votes is penalized by a penitentiary sentence or by fine or imprisonment. A corporation interfering with the political rights of its employes is liable to civil suit. No candidate may legally promise any appointments or employment for the purpose of influencing electors nor may he promise contributions to charitable, religious or educational institutions outside of his county nor may any one solicit such contributions from candidates. Common carriers, telegraph and telephone companies may not give free service or service at reduced

rates as campaign contributions and candidates must make and file statements that they have received no such aid. Campaign literature must bear on its face the names and addresses of the authors and printers.

Missouri. Rev. Stats. '09, ch. 36, secs. 4401--4442; 5831-5885; 6038-6063: Importing voters from outside the state, or attempting to vote when not entitled to in the general election or primary is a misdemeanor; personation in registration or voting, interfering with a voter by force, menace or bribery, or accepting a bribe to influence one's vote is a penitentiary offense. Bribery includes giving, offering or receiving money, employment, or any consideration for one's vote or to influence the vote of another, and it is punishable by a fine not to exceed \$500 and imprisonment in the penitentiary for from two to five years. Offering to take less salary or to repay part of the emoluments of an office is a misdemeanor and selling an office or deputation of public trust is a penitentiary offense. Betting on elections is punished by a fine not to exceed \$50. Employees entitled to vote must be allowed four hours therefor to be specified by the employer. Refusal of this privilege is a misdemeanor punished by a fine of not more than \$500. Employers or officers of a corporation who attempt to control the political opinions or actions of their employees by threats, intimidation, or bribery, or who use money for campaign purposes are liable to penitentiary sentences, or the loss of their corporation charter or right of doing business. Within ten days of a primary, candidates may not provide entertainment for electors to influence their votes and no person shall demand from a candidate any campaign contribution. Candidates may make

voluntary contributions not exceeding a prescribed scale determined by the number of votes cast at the last election for the offices they seek. Within thirty days after an election candidates must file sworn, itemized statements of their expenses and may not enter into office or receive emoluments until such statements have been filed. Negligence in filing is further punished by a fine. Treasurers of political committees must also file statements of expense. All statements must be on file and open to public inspection for four years. What constitute violations of the general election law are also violations if committed in the primary.

The corrupt practice act, except part of sec. 6055 is constitutional. 144 Mo. 531.

The law penalizing bribery and illegal registering and voting is constitutional. *State vs Keating*, 202 Mo. 197.

Laws '09, ch. 63. Keeping open a dram shop or disposing of liquors on an election day is punishable by a fine of from \$50 to \$200 and forfeiture of the license which may not be renewed for two years.

Montana. Cd. '07, secs. 534, 8125-8175. Fraudulent registration is punished by a fine not exceeding \$1,000, or imprisonment in the county jail or state's prison not longer than one year, or both. Fraudulent voting is a felony, and aiding or advising another to fraudulently vote or register, or voting in the primary with a party to which one does not belong, is a misdemeanor. Betting on the election or acting as stakeholder is a misdemeanor punished by a fine of from \$50 to \$1,000. Disposing of liquor on election day is penalized by a fine of from \$50 to \$500. Intimidating electors to prevent their attend-

ance upon public political meetings, or by bribery, threats or corrupt practices, aweing or restraining electors in the exercise of the right of suffrage, is a misdemeanor. Bribery is punished by a fine not exceeding \$1,000, a penitentiary sentence of not longer than one year and disqualification for holding office; it is so defined as to include offering or receiving any money, employment or valuable consideration to influence electors. Giving electors, on election day, refreshments, money, tickets, etc., or providing carriages, except for the infirm, is a misdemeanor. One is guilty of undue influence and punished by a fine of from \$200 to \$2,000, and a penitentiary sentence of two years who fraudulently intimides or otherwise interferes with the exercise of the franchise by any elector. It is a misdemeanor for an employer to print political matter on pay envelopes or post notices in his establishment, prior to an election, containing any threats or information to influence the political action of his employees. A candidate's contributions are limited to certain "personal expenses" and voluntary contributions to his party, but they may not exceed \$1,000 in the case of a candidate for U. S. Senate or \$50 for a candidate for the legislature. Candidates may not promise office or appointments to secure their nomination or election. Every political party must operate through a political treasurer, who must take charge of all receipts and disbursements, and file accounts thereof at the close of the campaign, and every person receiving or disbursing money for campaign purposes must make a similar statement. These are to be open to public inspection for fifteen months.

3/5. *Nebraska.* Comp. Stats. '09, ch. 26, Arts. I, III. Fraudulently registering or voting in the primaries or general election, offering money or inducements to electors to secure their votes or influence or for signing nomination papers, is a misdemeanor. Betting, and the sale or giving away of liquors on election day, is penalized. No employers may make any attempt to control the political actions of their employes. Employes must be allowed an absence, not to exceed two hours, to attend the polls to vote. Candidates for office may not pay for entertainment for electors, or for drink, cigars or refreshments, nor may they contribute to aid or oppose any measure submitted to the people. Personal expenses must not exceed a fixed scale based on the number of electors voting at the last election for the office in question. The use of corporation funds for political or campaign purposes is prohibited. Expense accounts must be filed by candidates and political treasurers and be open to public inspection for four years. Claims for services not properly presented to political committees, may be disallowed. Fifteen days before the primary, the political treasurer must file a statement of campaign expenses, and thereafter make daily reports of all contributions over \$25. Failure to comply with this provision, or defacing his accounts, subjects the political treasurer to imprisonment for from two to six years. Any candidate giving money to pay for the naturalization of aliens is subject to a fine of from \$100 to \$500 and imprisonment.

1/1. *Nevada.* Cutting's Comp. Laws '00, sec. 1577; sec. 1606; secs. 1668-1689. Voting or offering to vote when not qualified or voting in the name of another is a felony.

Aiding another to register illegally or to vote illegally in the primary, or betting on the results of an election, or furnishing intoxicants on an election day is a misdemeanor. Interfering with an elector in the exercise of the suffrage by force, threats, bribery or deceit is a felony, punished by a fine of not more than \$1,000 or a sentence to the state's prison for not more than five years, or both. A candidate who promises any office or employment to secure votes is guilty of a felony punished by imprisonment in the penitentiary for not more than five years or a fine not greater than \$5,000 or both. One may not legally seek to promote a campaign by giving entertainment to electors, paying for their conveyance to and from the polls or by other payments except for holding public political meetings or for the publication of campaign material.

Laws '09, p. 291. What constitutes an offense under the general election laws is also an offense if committed in the primary.

New Hampshire. Pub. Stats. '01, ch. 39, secs. 6-15. Voting more than once or when not qualified is punished by a fine not to exceed \$300 or three months imprisonment. The use of liquor to influence voters is penalized by a fine of not over \$20. Hiring voters, promising them rewards, furnishing them entertainment or attempting to disqualify them is penalized by a fine not to exceed \$500 or imprisonment not longer than three months. Signing or publishing letters or documents to influence votes, representing them to have been written by others, subjects one to a fine of not over \$1,000.

Laws '09, p. 520. The general election laws relative to corrupt practices apply to the primaries.

New Jersey. Gen. Stats. '95, Vol. II, p. 1295, secs. 12, 127, 247, 299, 305, 379. Illegal registering and voting are punished by a fine and imprisonment. Offering or receiving money or employment for votes is punished by a fine not exceeding \$2,000 or imprisonment. Betting on elections is illegal. An employer interfering with the rights of suffrage of his employe may be fined to \$2,000 or imprisoned for five years or both. One guilty of any of the above mentioned offenses may be disfranchised.

Laws '96, ch. 178. Soliciting contributions from candidates except for their political organizations is a misdemeanor.

Laws '98, ch. 139, secs. 34, 188-231. Illegal registration, voting, or personation is punished by a fine of not more than \$1,000 or imprisonment. The use of money, entertainment or offers of employment to secure votes or in consideration for votes in any election, is a misdemeanor punished by fine and imprisonment. Employers or officers of corporations attempting to control the exercise of the franchise on the part of their employes, are guilty of misdemeanors punished by fine and imprisonment.

Laws '05, ch. 118. Illegal voting, or personation or aiding another in so doing is a misdemeanor punished by fine or imprisonment in state's prison or both.

Laws '06, ch. 206. Giving or receiving money or employment or any valuable consideration for one's vote is penalized. The use of threats or improper influences by an employer to affect the vote of his employes is punished as a misdemeanor and by disfranchisement for five years.

Laws '06, ch. 208. Giving money or entertainment or furnishing club rooms or supplying any valuable thing to

influence voters is a misdemeanor and one guilty of so doing is also disfranchised. Advertisements may be inserted in periodicals if accompanied by the words, "this advertisement has been paid for by——", inserting the name of the person.

Laws '07, ch. 34, p. 67. Insurance companies may not make political contributions.

Laws '09, ch. 123. Publication of anonymous material calculated to injure any candidate is a misdemeanor.

New Mexico. Comp. Laws '97, p. 379, sec. 1272. Disposing of liquor on election day is punished by fine or imprisonment. Personation and intimidation are penalized.

Laws '09, ch. 105. Registering or voting when not qualified or in the name of another or where one does not reside, deceiving an elector in the preparation of his ballot or influencing an elector by bribery or intimidation is punished by a fine not to exceed \$1,000 or by imprisonment.

New York. Con. Laws '09; ch. XVII, secs. 175, 365, 543-561; ch. LXXXVIII, secs. 751-782. One guilty of illegal registration, voting through personation, using false naturalization certificates or aiding another in so doing is punished by a penitentiary sentence of not more than five years. One voting illegally in the primary, making false declaration of party affiliation, interfering with electors by bribery or intimidation, or receiving a bribe for his vote is guilty of a misdemeanor. Attempting to control the votes of electors by force or intimidation is penalized. Employers giving notice that pay will be diminished or work stop in the event of any election

contingency or placing political mottoes on pay envelopes, etc., are guilty of misdemeanors. If done by corporations, they forfeit their charters. Employees may absent themselves from their employment for the purpose of voting for a period of two hours and be liable to no penalty therefor; those refusing employees this privilege are guilty of misdemeanors. No campaign funds may be solicited from candidates and no judicial candidates may make contributions. The total campaign expenditures that a candidate may make must not exceed fixed sums ranging from \$10,000 for governor to \$1,000 for assemblymen; the amount that may be spent by minor officers being dependent upon the vote cast. A first violation of this provision is a misdemeanor, and a second a felony. Assessments upon state officers and employees for campaign expenses are forbidden. No funds are to be expended for drink, tobacco or entertainment for electors, nor for other purposes, saving the expense of public meetings, advertising, music, fireworks and banners, newspaper circulation and reading matter therein, personal expenses of candidates, a limited number of carriages on election day, and similar expenses.

Consolidated Laws of 1909, ch. 17, sec. 540-61, concerning the filing and publishing of expense statements, is satisfied by a statement of every disbursement from the fund of the committee with the name of the person or committee to whom it was paid, and the date and purpose thereof. In re McTennan, 122 N. Y. S. 409—(1910).

Laws of '10, chs. 429, 438. Candidates, political treasurers or other persons receiving or expending campaign funds must file statements with the secretary of state within twenty days after the election. These must be open to public inspection for a period of fifteen months.

North Carolina. Laws of '01, ch. 89, secs. 48-55; 70, 71; ch. 550, sec. 12. Personation, illegal registration and voting and inducing others to illegally register or vote are felonies. Bribing voters, betting on elections, and disposing of liquor on election day, intimidating electors and discharging employes because of their votes are misdemeanors.

North Dakota. Rev. Stats. '05, secs. 8585-8627. Voting or registering more than once, or personation is a misdemeanor punished by fine or imprisonment. Attempting to influence electors by threats or intimidation, or offers of employment, is bribery, punished by fines not exceeding \$1,000 or imprisonment in the county jail. Practicing any fraud upon an elector that his vote may not count as he intended, or betting on any election contingency is a misdemeanor. It is illegal to pay for the attendance of voters at the polls or to compensate anyone for so doing. Legal expenses are those made for public political meetings and for printing and circulating campaign material.

Laws '07, ch. 107. The general election laws relating to corrupt practices are made applicable to the primary.

Ohio. Bates' Anno. Stats. '05, secs. 2926f, w 3-4; 2966-48-50a; 6939; 6948; 7039-7054. Personation, illegal registering or voting or aiding others in so doing or deceiving electors in preparing their ballots is a penitentiary offense. Fraudulently voting in the primaries, or hindering qualified voters in the elections is punishable by fine or imprisonment. One who receives a bribe or bets or disposes of liquor in any election is punished by fine and imprisonment. Offering bribes in the

primaries or elections is punished by fine and imprisonment. One who receives a bribe or bet or disposes of liquor in any election is punished by fine and imprisonment. One attempting to influence voters by intimidation, or, as an employer, improperly attempts to influence the vote of an employe, is liable to a fine not to exceed \$2,000 or a penitentiary sentence of not more than three years or both. For such offenses in the primary less penalties are prescribed. Employes may absent themselves from their employment on election day for a period of two hours for the purpose of voting.

Laws of '08, p. 214. Illegal voting and personation in the primaries are penitentiary offenses. Voting in the primary of a party to which one does not belong is punished by a fine of not more than \$500 or imprisonment not more than six months, or both. Soliciting or receiving money or liquor for use in procuring votes is punished by a fine or imprisonment in the penitentiary, or both. The laws to preserve the purity of elections apply to the primaries.

Oklahoma. Snyder's Comp. Laws '09, secs. 2078-3290. (Laws '98, secs. 1904-1936.) Personation, registering or voting when not qualified or aiding another to register or vote when convicted of bribery or a felony, is a misdemeanor. Attempting to influence voters by offering money or employment, or using force or intimidation is punished by a fine not exceeding \$1,000. Making a bet on any election contingency, furnishing money to procure the attendance of voters or for workers at the polls or for any purpose except the conveyance of sick or infirm voters, the expense of holding public meetings, printing, etc., is penalized.

(Laws '08, p. 156.) Selling or buying votes is punished by a fine of from \$100 to \$1,000, imprisonment and disfranchisement and disqualification for holding office for from ten to twenty years.

Snyder's Comp. Laws '09, secs. 3205-3305, (Laws '08, p. 316). Voting when not qualified or with a false certificate of registration or aiding another to do so is a felony, punished by a penitentiary sentence not longer than three years. Offering or accepting a bribe, or any advantage, or money to be bet upon an election to influence any elector, is a felony punishable by a fine of from \$100 to \$1,000, imprisonment in state's prison for from one to three years and disfranchisement and disqualification for holding office. Giving or receiving any reward to induce one to withdraw as a candidate or nominee is a penitentiary offense. Disposing of liquor on election day is a misdemeanor punished by fine and imprisonment. Candidates before a primary election and party nominees must file the names and addresses of those through whom they expect to expend money in defraying the expenses of their campaign and unless such a list is filed, a candidate's name shall not be printed upon the official ballot. Within ten days after a primary, candidates and campaign committees must file sworn, itemized statements of their campaign expenses and no certificate of election shall be issued until such statement has been filed. Failure to file is further punished by a fine. Statements must place each item of printing and newspaper advertisement by itself and be open to public inspection. The maximum amounts which candidates may expend are fixed by a scale varying from \$3,000 for a candidate for Governor or U. S. Senator to \$50 for candidates for coun-

ty or town offices; those exceeding this limit are subject to a fine and imprisonment.

Laws '09 p. 239. What is an offense under the general election laws is an offense if committed in the primary.

Laws '10, p. 231. Illegal voting or registering or aiding others to do so is a felony. Disposing of liquor on election day is penalized. Furnishing money or rewards to influence electors or to secure the withdrawal of a candidate, receiving any such reward, or betting on an election is a felony, punishable by a fine not to exceed \$1,000, imprisonment in state's prison, disfranchisement and disqualification for holding office. Employers must allow their employes two hours and such additional time as is necessary in which to vote on election day. Employes shall be notified what these hours are and failure on the part of employers to do so is a misdemeanor punished by a fine of from \$50 to \$500 for each elector they failed to notify. Any foreman or superintendent failing to give such notice is liable to imprisonment. Corporations may not make any campaign contributions and only banking institutions may make loans. A corporation making a bribe or attempting through intimidation or otherwise to influence the votes of their employes is subject to a fine of from \$500 to \$5,000 and the person acting for such a corporation is liable to imprisonment and a fine.

Oregon. Const. '59, Art. II, sec. 7. Any person is disqualified for holding office for the term for which elected who has made a threat or given or offered a bribe or reward to procure the election.

Bellinger & Cotton's Anno. Cd. '01 secs. 1900-1910; 1975. Voting or offering to vote when not qualified is punished

by a fine not exceeding \$500 or imprisonment in the county jail not longer than a year. Importing foreign voters or inducing voters to remain away from the polls is a felony punished by a fine of not more than \$1,000 or imprisonment in the penitentiary not longer than three years. Attempting by force or intimidation to prevent electors voting is punished by imprisonment. Any employer attempting to intimidate his employees or control their votes in any way is guilty of a misdemeanor and subject to a fine not to exceed \$1,000. A corporation guilty of such an offense forfeits its charter. Offering or receiving a bribe or any advantage to affect the vote of an elector is punishable by a penitentiary sentence. The disposal of liquor on election day is forbidden. X

Laws '09, Ch. 3. Candidates' campaign expenses must not exceed 15% of the salary of the office they seek and but 10% may go for purposes other than for the official campaign bulletin. A candidate is not restricted to an amount under \$100. Provision is made for the publication by the state of an election pamphlet in which candidates may set forth their qualifications for the offices they seek and those opposing their nomination may state the grounds of their opposition. Space in the pamphlet is sold at a price per page varying from \$100 for a congressman, state officer, etc. to \$10 for legislators. Candidates are limited to four pages. The secretary of state publishes such statements in the pamphlet and mails them to every qualified voter in the state. Candidates must file sworn, itemized expense accounts within fifteen days and are subject to fines of \$25 for each day such accounts are over due. No certificate of election may be issued until such a statement

is filed. Accurate expense accounts must be kept by candidates and political parties, with vouchers for amounts over \$5. These accounts must be open to the inspection of opposing candidates or parties. The officer with whom the statements are filed must publish them with his annual report. It is a corrupt practice to offer appointments in return for aid in election. Offering any reward or inducement for one's becoming or refraining from becoming a candidate is penalized. The solicitation from candidates of support for religious institutions, entertainments, etc. is prohibited. It is illegal to use force or intimidation to influence electors, to bet on elections, or to pay for any loss due to the attendance at the polls, or for transportation of voters, for badges to be worn on election day, or for services to be performed on election day except for challengers. A candidate may not treat electors with meat, drink, clothing or tobacco. Personation is a penitentiary offence. No money is to be paid periodicals except for advertising which must be designated as such and accompanied by the name of the person inserting it. Everything written or published relating to a candidate must bear on its face the name and address of the author and publisher. Certain items only are designated as legitimate and these include public meetings, printing, office and travelling expenses, telegraphing, etc. Corporations having the right to condemn land may make no political contributions. The penalty for violation of this act is imprisonment in the county jail not longer than one year or a fine not exceeding \$5,000 or both.

Pennsylvania. Const. '74, Art. VII, secs. 8, 9. For bribery one is forever disfranchised and disqualified for holding office.

Purdon's Digest '03, Vol. I, secs. 156-187. Voting when not qualified or assisting others to do so is penalized by a fine not exceeding \$500 or imprisonment not exceeding five years. Securing or voting on fraudulent naturalization papers is punishable by a fine not exceeding \$1,000 and imprisonment in the penitentiary. Furnishing electors at the polls with false ballots to deceive them in voting in the general election or primary is a misdemeanor. It is a misdemeanor to furnish liquor on an election day while the polls are open. Candidates may make payments in the elections only for printing or traveling expenses, the dissemination of information, political meetings, demonstrations and conventions. Political assessments must not be asked of office holders or public employees.

Purdon's Digest, '03, Vol. II, secs. 94-105; sec. 212. One giving or receiving any consideration for his vote forfeits his right to vote at any election. A candidate guilty of bribery or wilful violation of the election laws is forever disqualified for holding office. Any one convicted of violation of the election laws in addition to other penalties is disfranchised for four years. Betting or offering to bet is punished by a fine three times the amount of the bet. A voter who shows his ballot or makes a false statement of his ability to prepare a ballot or a helper who attempts to influence a voter is guilty of a misdemeanor.

Laws '06, No. 10, p. 43. Voting or attempting to vote at a primary when not qualified is a misdemeanor, punishable by a fine not exceeding \$1,000 or imprisonment or both.

No. 17, p. 78. Political committees must receive and disburse all campaign contributions through political

treasurers. No one but a candidate may make a campaign contribution except through a treasurer and no corporation may make any contributions whatever. Treasurers and candidates may make payments for certain purposes only, including traveling expenses, advertising, dissemination of information, rent of offices, holding public meetings, conveyance for voters, etc. Candidates for nomination must file sworn, itemized expense accounts within fifteen days of the primaries and political committees and candidates for election must file statements within thirty days of an election if their receipts or expenditures exceeded \$50. Vouchers must be shown for all sums exceeding \$10. Such statements must be preserved for two years and be open to public inspection. Incurring illegal election expenses is a misdemeanor punished by a fine not to exceed \$1,000 or imprisonment not to exceed two years or both.

Act of March 5, 1906, known as the corrupt practices act, is constitutional. 39 Pa. Super. Ct. 292 (1909).

Philippine Islands. Acts 1st Phil. Ass. No. 1948, '09. Liquors must not be dispensed within thirty meters of a polling place on a registration day, nor within 150 meters on an election day.

Ann. Rept. War Dept. '07, Vol. X, Act No. 4582. Receiving or offering money to influence votes in an election is penalized.

Porto Rico. Pen. Cd. '02, p. 507, secs. 162-198. Registering when not qualified or under a false name or with the tax certificate of another is punished by a fine of not over \$500 or imprisonment not more than one year, or both. Voting when one is not entitled to vote is a mis-

demeanor. A candidate who offers money or employment or a consideration for votes is subject to a fine of not over \$3,000, disfranchisement and disqualification for office. Bribery by one not a candidate is punished by a lesser fine or a penitentiary sentence not exceeding five years, disfranchisement and disqualification for office. Liquors must not be dispensed on election day. One deceiving an elector so that he votes for a candidate he did not intend to vote for is penalized. Intimidating an elector by threats is penalized. Neglecting to file statements of expense accounts is punished by a fine not to exceed \$1,000 or imprisonment in the penitentiary not over five years.

Rhode Island. Const. Art. II, sec. 4; Art. IX, sec. 2. Conviction of bribery disqualifies one for holding office, and disfranchises one till expressly restored by the general assembly.

Gen. Laws '09, Title II, p. 152. Illegal voting, personation, intimidation and bribery are punished by fines of from \$500 to \$1,000, imprisonment, disfranchisement, and disqualification for office.

South Carolina. Const. '95, Art. II, sec. 6. Bribery is punished by disfranchisement.

Cd. '02, Vol. II, p. 324, secs. 271-286. Illegal voting and attempting to influence the votes of others by bribery, intimidation and injury, are punished by fines as high as \$1,000, and imprisonment not longer than twelve months. Betting on the elections is penalized.

Acts '03, No. 73, p. 112. Registering illegally, or aiding others to do so in the primary is penalized.

Laws '04, No. 231, p. 417. Treating within one mile of a voting precinct on election day is punishable by fine or imprisonment at hard labor.

Laws '05, No. 466, p. 940. Giving or receiving money or entertainment for one's vote or influence in any election is punished by fines as high as \$500 for the first offense, and \$5,000 for the second, or by imprisonment not longer than twelve months.

No. 473, p. 949. Candidates must file sworn, itemized statements of their campaign expenses in the primary and general election and state that they have contributed no money or liquor to secure their nomination or election. Failure to do so vitiates an election and is punishable by fine and imprisonment at hard labor.

Laws '09, p. 67. Betting on elections is a misdemeanor.

South Dakota. Pol. Cd. '03, ch. XIX, secs. 1918-1924; 2034-2046. Illegal registration and personation are penitentiary offenses. Making false statements of one's ability to prepare his ballot, showing one's ballot or allowing false statements of one's ability or qualifications as an elector to go uncontradicted is penalized.

Employes may absent themselves from their employment for not longer than two hours in order to vote and be liable to no penalty therefor. Application for such leave must have been made the prior day and the hours may be specified by the employer. Candidates may hire speakers for campaign purposes and pay them a reasonable compensation.

Pen. Cd. ch. 503, secs. 56-100. Registering or voting more than once or when not qualified, personation, or obstructing or practicing any fraud on an elector is a misdemeanor. Attempting to interfere with the exercise of the franchise by intimidation or injury or by the promise of

money, employment or any consideration, is punished by fine and imprisonment. Those guilty of betting or bribery are forever disqualified and prevented from holding office. One convicted of bribery or a felony who offers to vote before being restored to civil rights is guilty of a misdemeanor. Betting or disposing of liquor on election day is a misdemeanor.

Laws '07, ch. 142. Corporations may make no campaign contributions.

Ch. 146. Political committees must operate through political treasurers and no person except a candidate may make any campaign contributions except through such a treasurer. A candidate may make expenditures only for stationery, postage, advertising, disseminating of information, conducting public meetings, maintaining campaign headquarters and similar purposes. Within thirty days after an election every political treasurer and candidate must file sworn, itemized statements of expenses, giving in detail the sources of the contributions and the purpose of the expenditures. Negligence in compliance is punished by a fine of not more than \$1,000 and imprisonment for not more than six months.

The primary election law of 1907 as regards the regulation of voting at primaries is constitutional. *Morrow v. Wipf*, 22 S. D. 146.—(1908).

Laws '09, ch. 297. Illegal voting and the sale of liquors in the primary are forbidden. The general election laws relating to corrupt practices are applicable in the primary.

Tennessee. Const. Art. X, sec. 3. Candidates guilty of bribery in elections are disqualified for six years for holding the office for which they were candidates.

Shannon's Anno. Cd. '96, secs. 1069, 1170, 1256, 1376, 6815, 6841-6861. Personation, voting when not qualified, showing one's ballot, betting, intimidating or deceiving an elector is a misdemeanor. Importing voters from out the state is a felony. Bribery in elections is punished as a misdemeanor and disfranchises an elector. A candidate who treats electors with liquors is punished by a fine of \$100. No liquors may be dispensed on election day.

Shannon's Sup. '03, pp. 233, 835; (Laws '97, ch. 18, secs. 1, 2; Laws '99, ch. 14, secs. 1-8.) What is an offense against the general election law is a felony if committed in the primary. Offering or receiving money or a consideration for votes is a misdemeanor. It is a misdemeanor for candidates to bet on an election. Attempts to influence the vote of an elector by intimidation are penalized. Corporations guilty of such offenses forfeit their charters. Employers may not display notices or place anything on pay envelopes calculated to influence the political action of their employes. Corporations may not contribute to political campaign funds and an officer of a corporation violating this provision is subject to a fine of from \$500 to \$2,000 or imprisonment. The usual penalties for violation of the corrupt practice laws are fines not exceeding \$1,000 or imprisonment not exceeding five years, or both, disfranchisement and disqualification for office.

Laws '07, ch. 402. Furnishing money to secure votes or workers in the election is punished by a fine not exceeding \$1,000, imprisonment for not more than twelve months, disfranchisement, and disqualification for office. Receiving any consideration for one's vote is punished by a fine not exceeding \$100 or imprisonment not exceeding six months or both.

Laws '09, p. 295. Registering or voting in the primary when not qualified or voting in the primary of a party to which one does not belong is punished by fine and imprisonment. Attempting to influence voters by bribery or intimidation is punished by a fine not over \$250, imprisonment and disfranchisement.

Texas. Const. '76, Art. XVI, sec. 5. Bribery to secure election disqualifies one for office.

Rev. Stats. '95, Title VI, Arts. 151-188; Title XII, Art. 395. Personation and illegal voting or registering are penitentiary offenses; aiding or advising others to vote illegally is a misdemeanor. Offering or receiving a bribe, intimidating electors or selling liquor within three miles of the polls on election day is punished by a fine not exceeding \$500. Illegal voting, bribery, or procuring illegal votes in the primary is punished by a fine not exceeding \$500. Betting on the election is punished by a fine not exceeding \$1,000.

Laws '05, ch. 11, secs. 27, 85-193. Illegal voting in the election or primary, or attempting to influence electors by gifts of money, offers of employment, or payment of poll taxes is a misdemeanor, and if done by a candidate, forfeits his right to the office. Liquors must not be dispensed on an election or primary day. It is a misdemeanor for employers to refuse to allow employes to attend the polls to vote or to subject them to any penalty for voting. Subscriptions must not be solicited from state employes. Procuring a naturalization certificate to enable one to vote when not entitled to is a penitentiary offense. If political material is placed as advertising in a periodical, it shall be so labeled and may not be paid for

in excess of the regular rate. Violation of this provision is punishable by a fine of from \$500 to \$1,000, and the forfeiture of its charter, if a corporation. Carriages must not be supplied to voters who are not physically disabled. Political parties and candidates must file sworn itemized statements of expense accounts within ten days of the elections.

It is constitutional to provide that every voter pay a poll tax, and it is constitutional to provide that no one lend a voter money to pay the poll tax. *Solan v. State*, 54 Tex. Cr. Rep. 261 (1908).

Laws of 1905, p. 559, ch. 11, is constitutional. *Whaley v. Thompson*, 41 Tex. Civ. App. 405 (1906).

Laws '07, pp. 169, 312. Corporations may not make campaign contributions under penalty of a fine of from \$5,000 to \$10,000. Violation on the part of an officer subjects him to a fine of from \$500 to \$1,000 or imprisonment in the penitentiary for from one to five years, or both. Corporations paying any part of their assets to political parties, forfeit their charters and rights of doing business.

Utah. Const. '95, Art. IV, sec. 6. One convicted of a crime against the elective franchise is disfranchised and disqualified for holding office.

Comp. Laws '07, secs. 821-913. Illegal voting or registering or causing others to do so is penalized by imprisonment in the penitentiary or a fine of \$1,000. Illegal voting in the primary is a misdemeanor. Giving or receiving a bribe, or offer of employment as compensation for a vote, is penalized. Disposing of liquor or betting on the elections is a misdemeanor. Employers must not intimidate employees, or cause them to vote con-

trary to their desires. Notices may not be displayed in shops or placed on pay envelopes threatening a decrease in pay or cessation of work in the event of any election contingency, nor may any other notice be posted calculated to influence the political action of employees. Violation of this provision on the part of corporations forfeits their charters. Employees are entitled to a leave of absence of two hours to vote, if application has been made the prior day. Employers may specify what hours the employees may be absent but may not subject them to any penalty for such absence.

Vermont. Const. ch. II, sec. 34. Receiving a bribe for one's vote disqualifies one for voting at that election, and offering a bribe disqualifies one for office for the ensuing year.

Stats. '06, Title III, secs. 104-106, 228-240, Title XXXII, sec. 5952. One guilty of voting when not qualified, aiding another to do so, personation, showing one's ballot, or letting it be known how one voted, or of undue influence through bribery, intimidation or the use of liquor, is punished by fine and imprisonment. Betting on elections or the holding of stakes by any banking or other corporation is penalized. Contributions for a candidate's campaign must be for the purpose of paying his personal expenses only, which include his traveling expenses, the expenses of conducting meetings for the discussion of public questions, stationery, office expense, etc. No periodical may receive any compensation for supporting any candidate.

Virginia. Pollard's Cd. '04, Vol. II, secs. 3824-3854. Voting when not qualified, or attempting to influence

voters by bribery or threats of intimidation, deceiving illiterate voters, or furnishing liquor on election day is punished by a fine of \$1,000 or a year's imprisonment. Betting on an election contingency in an amount over \$5 is punished by a fine of from one to five times the amount of the bet. Those guilty of bribery are disfranchised. The general laws guaranteeing the purity of elections apply to the primary.

Pollard's Cd. sec. 145a. Candidates, including those for Congress, may expend money for only printing, advertising in the newspapers and for the holding of public meetings. Violation of this provision is punished by a fine not to exceed \$1,000 and makes the election void. Expense accounts must be filed within thirty days of an election and failure to do so subjects one to a fine not to exceed \$5,000; nor may one undertake the duties of an office till such statement has been filed.

Laws '08, p. 73. For bribery one is disqualified for voting.

Washington. Cd. '81, secs. 3140-3148. Voting when not qualified, intimidating electors or disturbing them in the exercise of the franchise, or circulating false reports concerning candidates is a misdemeanor punished by fine or imprisonment. Offering money, drink or a thing of value to voters or conveying them to the polls to influence their votes is a misdemeanor punished by a fine not to exceed \$1000 or imprisonment, or both, and the disfranchisement of an elector and the disqualification of a candidate for office.

Laws '91, p. 124. Disposing of intoxicants on election day before the close of the polls is punished by a fine of

from \$25 to \$200 or imprisonment in the county jail, or both.

Laws '93, p. 74. Personation in registration or election, or the causing of the name of one not entitled to vote to be placed on the register is a felony punished by imprisonment in the penitentiary at hard labor not longer than five years.

Laws '01, p. 298. Attempting to influence the vote of an elector by force, threats, bribery, or any corrupt means is punished by a fine not exceeding \$1000 or imprisonment in the penitentiary not longer than five years, or both.

Laws '07, p. 474; amended Laws '09, ch. 82. One may lawfully pay to secure the nomination of himself or another only "personal expenses" consisting of the traveling expenses of the candidate, printing, postage, advertisements, telegraphing and similiar expenses, and the expense of holding public meetings. No one may qualify for office who before the primary paid the publisher of a newspaper to publish matter favoring his nomination. A newspaper publisher receiving any consideration for the support of a candidate by his publication is subject to a fine and imprisonment. Those not candidates may use advertising space to advocate or oppose candidates provided it is labeled conspicuously "advertising" and the name of the person making the payment is given. Candidates must file accounts of election expenses within ten days of an election and are penalized by fine or imprisonment for failure to do so. Soliciting money or liquor from candidates for one's influence in the campaign is penalized. The general election laws relative to corrupt practices in the elections apply in the primaries.

West Virginia. Const. '72, Art. IV, sec. 1. Those guilty of bribery at elections are disfranchised.

Cd. '06, secs. 45, 71, 95, 137--178. Voting when not qualified, personation, using money to influence voters or deceiving an elector in the preparation of his ballot is a misdemeanor punished by fine and imprisonment. It is a felony to induce a voter to mark his ballot that it may be distinguished. Those giving money to bribe voters are punished by a fine not exceeding \$1000 or imprisonment, and if candidates, are disqualified for holding office. Places where intoxicants are sold must be closed on election day. The dispensing of liquor on election day is penalized by a fine not exceeding \$50 and, if done by a candidate, forfeits the office. Betting is penalized by a fine of \$50 above the value of the bet. Candidates may not hire others to work for their nomination or election but may pay for holding public meetings and demonstrations and the circulation of campaign literature. Employes must be given a period not exceeding four hours to vote and failure to do so on the part of employers is a misdemeanor punished by a fine of not over \$500. Employes may enforce this right by application for a writ of mandamus.

Cd. Sup. '09, secs. 150b 1-2, 158. Bribery is defined as the offering, giving or receiving of money, employment or things or value for voting or inducing one to vote, the entainment of voters on the part of a candidate, intimidation of voters, personation, or applying for subscriptions for religious or charitable institutions, and is penalized by a fine not exceeding \$100. A candidate may pay for his "personal expenses" which consist of personal travelling

expenses and expenses for public meetings, printing, telegraphing, clerk hire, etc. The total amount of a candidate's expenses must not exceed an amount dependent upon the vote cast at the previous election for the office he seeks. Within thirty days of an election, candidates must file sworn, itemized expense accounts. They may receive no salary till such statements are filed and are subject to fines for negligence in filing them. Political committees must operate through political treasurers who must also file expense accounts. Corporations may make no campaign contributions. All prosecutions under these laws must be made within one year of the time when the offense was committed.

Wisconsin. Rev. Stats. '98, secs. 13, 4478-4546. One guilty of personation or aiding another to do so is punished by imprisonment in state's prison for from two to five years. Giving or offering money or a thing of value or employment to influence any elector, is bribery punished by imprisonment in state's prison for from six months to two years. Any office gained by bribery shall be deemed vacant. A voter receiving a bribe for his vote and anyone who through intimidation, duress, or fraud interferes with an elector in giving his vote shall be imprisoned in the county jail for from one month to one year. Those convicted of betting on an election may be fined not less than five times the amount of the bet and those convicted of bribery or betting are excluded from the right of suffrage. Deceiving an illiterate voter so that he votes contrary to his desire is punished by fine or imprisonment. No one except a candidate may make any contribution for any campaign fund to be used out of the district in which he

resides except to a state or district political committee. Violation of this provision is punished by imprisonment. Political committees must receive and disburse funds through political treasurers who must keep account of all receipts and disbursements and file sworn, itemized accounts thereof within thirty days after an election. When filed, these are open to public inspection for a period of one year and then destroyed. Failure to keep such accounts or defacing them or neglecting to file a statement of account is punishable by imprisonment in the county jail.

Sup. '05, secs. 4543, 4543c (Laws '05, ch. 313; ch. 502). Illegal registration or voting is punished by fine or imprisonment. Candidates must file within thirty days of the election, sworn and itemized statements of their accounts showing in detail each item above \$5 that they have spent or have any reason to believe others have spent for them and name the persons through whom disbursements were made. Failure to do so subjects one to a fine of from \$25 to \$500.

Laws '07, ch. 666, secs. 11-24—11-25m. What are offenses against the general laws constitute offenses if committed in the primaries. Disposing of liquors on the day of a primary election is punished by fine and imprisonment.

Wyoming. Cd. '10, secs. 2214-2319, 5979. Illegal registration or aiding others in so doing or swearing falsely as to one's qualifications as an elector is punished by a fine not to exceed \$500 and imprisonment in the county jail, or both. Bribery of electors, voting when not qualified, personation, inducing others to vote illegally, or paying or receiving a reward for political service, or interfering with an elector in the exercise of the franchise

by intimidation or otherwise, is punished by a fine not exceeding \$500 or imprisonment or both. Those guilty of betting may neither vote nor hold office. Liquor must not be dispensed on election day and any one soliciting, furnishing or receiving liquor or a thing of value during the campaign to influence a vote is punishable by a fine not exceeding \$1000. In cities and towns, carriages may be furnished only for sick or infirm voters.

SUMMARY.

The leading provisions of contemporary law to prevent corruption of the electorate or the improper use of money or influence in the campaign may be outlined under the following heads: 1. For the prevention of illegal voting; 2. Intimidation of electors; 3. Publicity of campaign expenditures; 4. Restrictions on contributions; 5. Limitation on expenditures; 6. Use of political agents and workers; 7. Advertising; 8. State contributions; 9. Miscellaneous provisions; and 10. Penalties for violation.

ILLEGAL VOTING. Nearly all of the states punish those who register or vote when they are not qualified electors or who vote more than once or in the name of another.

Illegal Registration. A felony in Ala., Ia., Md., Mo., Mont., Neb., N. J., N. Y., S. D. and Utah; and a misdemeanor in Ariz., Cal., Conn., Del., Ga., Id., Ky., Mass., Miss., Nev. and S. C.

Aiding or advising those not qualified to register. A felony in Mo. and Okla.; a misdemeanor in Cal., Nev., S. D., Utah, and Wyom.

Illegal Voting. A felony in Ala., Ark., Cal., Id., Ind., Ky., Okla., Md., Miss., Mo., Mont., Neb., Nev., Tex., and Utah; a misdemeanor in Ariz., Colo., Conn., Fla., Ia., Ill., Kans., La., Mass., Me., Mich., N. H., N. J., N. Y., S. D., Tex., Wash., W. Va., and Wis.; in Fla., Ill., Ind., La., N. M., Pa., R. I. and Utah it is punishable by a fine of \$1,000.

Aiding or advising those not qualified to vote. A felony in Mo., Neb., and Wis. A misdemeanor in Cal., Ia., Id., Ill., Mont., Nev., N. J., Okla., S. D., Tex., Vt. and Wash.

Personation. A felony punishable by ten years in the penitentiary in Miss.; five years in Mo., Neb., N. Y.; Wash. and Wis.; hard labor for three years, Colo., Kas., Ore.; also a felony in Eng., Fla. (for a second offense), Ia., Ky., Nev., N. D., Ohio and Okla. A misdemeanor in Conn., Fla. (for a first offense), Del., Mich., N. Y., Vt., and W. Va.

Voting in the primary of a political party to which one does not belong is a misdemeanor in Colo., Conn., Ia., N. Y., Ohio, S. D., Tenn. and W. Va.

It is reasonable to require an elector to declare his party affiliation in order to be entitled to vote at a primary. Shortag v. Cator, 151 Cal. 600—(1907).

INTIMIDATING ELECTORS.

In most states it is illegal to attempt to control the vote of an elector or prevent its being cast. Many states attempt to prevent the control by employers of the votes of their employes.

Interfering with electors when they attempt to exercise the right of suffrage is a felony in Ala., Ind., and Nevada, and a misdemeanor in Id., Kans., Mo. and Okla.

Intimidating electors in an attempt to control their vote is a penitentiary offense in Cal., Ky., Miss., Neb. and Nev.; a gross misdemeanor in Minn.; and a misdemeanor in Ariz., Colo., Del., Ia., Kans., N. Y., Ore., Pa., R. I., S. C., Tenn., Tex., Utah, Wash. and Wis. It is punishable by a fine of \$1,000 in Id., Ind., Mont., Nev., N. M. and N. D.

Intimidation of employes by employers so that they do not vote in accordance with their desires is punished by heavy fines in Ala., Colo., Conn., Fla., La., Miss., Mont., Neb., N. J., Ohio, S. C., Utah and Wash.; by a penitentiary sentence in Mo., N. J., Ohio and Wash.; and by lesser sentences in Cal., Conn., Neb. and Okla. Corporations are fined as high as \$5,000 for such viola-

tions in Ariz., Ky. and Okla., and forfeit their charter in Cal. Ky., Tenn. and Utah.

Posting notices in a shop to the effect that work in any establishment will cease or pay be decreased upon [any election contingency, or putting mottoes or devices on pay envelopes, or attempting in any such ways to influence the votes of employes, is penalized in Ariz., Cal., Colo., Md., Mont., N. Y., S. D., Utah and Tenn.; and causes a forfeiture of corporation charters in Cal., N. Y. and S. D.

Employes must be given time to vote in many states and for their absence from work for such purpose no penalty may be imposed. It is usual to require that they ask for leave the previous day and absent themselves at such hours as the employer may designate.

They may be absent two hours in Colo., Ia., Ill., Kans., Mass., Ohio, Okla., N. Y., S. D. and Utah; four hours in Ind., Ky., Md., Mo. and W. Va.; "the forenoon" in Minn.; and a "reasonable time" in Fla. In Ark. employers must suspend work or change the force at 4 P. M. on election day.

PUBLICITY.

Statements of receipts and expenditures. The requirements made in the different states for filing sworn, itemized statements vary. Provision exists for statements by candidates, political agents, committees and others handling funds.

Candidates must file statements within ten days after the election in Ia., Okla. and Wash.; within seven days in Mass.; fifteen days in Ark. (for county officers), Cal. and Ore.; twenty days in Ga. and N. Y.; thirty days in Ala., Ariz., Ark., Colo., Md., Minn., Mo., Okla., Pa., Va. and Wis.; and within forty-two days of an election in England. In Fla., one statement of election receipts and expenses to-date must be filed ten days before the primary and a second statement must be filed ten days after

the primary. In Neb. two statements must be filed, one fifteen days before the primary and the second twenty days after. In Pa., a report must be made within fifteen days, of all receipts over \$15. Candidates must notify the secretary of the election boards in Okla. through whom they will spend money and in S. C. must swear that their office has not been secured by bribery or corrupt practices.

Committees must file statements within ten days in Ia., Md., and Tex.; twenty days in N. Y.; and thirty days in U. S., Colo., Kans., Mass., Minn., Mo., Mont., and S. D. Committees are required to file two statements in Neb., one fifteen days before the primary and another within twenty days after. (✓)

Political agents must file statements within ten days in Tex., fifteen days in Conn., twenty days in Md. and thirty-five days in England.

Others handling funds. In Neb., N. Y., and Texas, all those who handle funds must report; in Mont. those spending over \$10; and in Mass. and Neb., those receiving or expending over \$20, must report. Our federal law and the laws of Pa. require statements from those contributing over \$50.

What statement must include. Requirements vary in different states but generally the English statute is followed requiring a detailed statement of all income and expenditures, stating through whom these were made and for what purpose expenses were incurred. It must note the personal expenses of candidates, unpaid claims, etc. Some states require vouchers for all payments and the amounts paid for specified purposes, e. g. newspaper support.

Compare the laws of Eng., Cal., Mont., Okla., Ore., Pa., Tex. and Wis.

With whom filed. In general a candidate for a city office must file his statement with the city clerk, a candidate for a county office with the county clerk, and a candidate

for an office voted on by the electors of more than one county, including state offices, congressional and U. S. Senatorships, with the secretary of state. Some states require the filing of statements in duplicate and some require a copy to be filed with the officer issuing the certificate of nomination or election and forbid his issuing such certificate before a statement is filed. The federal law requires congressmen to file statements with the secretary of the House of Representatives.

Publication of Statements. Some of the laws merely require that the statements be filed for public inspection; others provide for advertisement in newspapers, while still others require publication in the form of a public document.

English law requires a summary to be published in at least two newspapers in each county. Statements are open for inspection for six months in Ore., a year in Wis.; fifteen months in U. S., Conn., Mont., and N. Y.; two years in Eng. and Pa.; and four years in Minn., Mo., and Neb.

Failure to keep accounts and file such a statement is penalized by fine and imprisonment in most states and office may not be taken till such a statement has been filed. The English law makes a per diem fine of £100 and the Ore. law of \$25.

Vouchers must be shown in England for all payments over 40s.; in Pa. for all over \$10; in Mass., N. Y. and Ore. for all over \$5; and under the federal law for all over \$100.

RESTRICTIONS ON CONTRIBUTIONS. One of the chief purposes of corrupt practice legislation has been to control the sources of contributions and in accordance with this desire political assessments and contributions from cor-

porations, non-residents, and candidates for the U. S. Senate have been forbidden. Laws have also been passed to limit other contributions.

Limit on contributions. In Neb., contributions of over \$1,000 may not be received in one payment nor amounts over \$25 within two days of the election.

Political assessments. Compare laws of U. S., N. Y., Ore. and Tex. In Ariz. candidates' contributions to campaign committees must be made at a private meeting at which candidates only are present. Contributions may not be solicited from candidates in Fla., Mich., Miss., Mass., Mo., Mont., N. J. or N. Y.

Contributions from corporations are forbidden by many states, compare the laws of Conn., Md., Ore., Pa., S. D., Tenn., Texas and the federal law. Violation is punished by forfeiture of the charter in Fla., Ky., Mo., Ore. and Wis. Soliciting from corporations is penalized in Ia., Mass., and Ore.; and from insurance companies in N. J. In Miss. common carriers may not make special rates to political parties or candidates. Fines of \$5,000 are imposed for violation in Colo., Ky. and Wis.; and of \$10,000 in Fla., Mass. and Ore. In Ga. a fine of ten times the amount of the contribution but not less than \$1,000 is imposed. Severe penalties are placed upon officers through whom such contributions are made in Ga., Mass. and Tex.

Contributions from non-residents. In Wis. no one except a candidate may make any contribution to any campaign fund to be used out of the district in which he resides except through a state or district political committee, violation is punished by imprisonment.

Contributions from those not candidates except through a political committee is forbidden in some states. Compare laws of Conn. and S. D.

Candidates for the U. S. Senate who contribute to the campaign funds of candidates for the legislature are guilty of felonies in Cal.

LIMITATIONS ON EXPENDITURES. Some states prescribe minutely what payments are legal and prohibit all

other payments, other states list in detail what constitute illegal expenditures, and still others list legal and illegal expenditures.

Legal Expenditures consist, in general, of the personal, traveling, and hotel expenses of the candidates, printing, advertising, stationery, expressage, telegraphing, telephoning, holding public meetings and payment for a limited number of committee rooms and attendants.

In general the English law is followed but note laws of Cal., Conn., Md., Mich., Minn., N. Y., N. D., Pa., S. D., and W. V.

Candidates, contributions are based on the number of votes cast at the last election for the offices for which they are candidates in Eng., Md., Minn., Mo., Neb. and W. Va.: and on the salary of the office in Cal., Colo. and Ore. In Vt. the law allows a candidate to pay only his own personal expenses.

Maximum of candidates' expenditures is fixed in Mont. as \$1,000 for candidates for congress or a state office, \$100 for candidates for county offices and \$50 for candidates for the legislature. In N. Y. it is fixed as \$10,000 for a candidate for governor, \$6,000 for a judgeship, \$4,000 for other state officers, \$2,000 for state senator, \$1,000 for candidates for the assembly, amounts for other offices to be determined by the number of votes cast for the office at the last election. In Okla. there is a fixed scale for the office sought.

Illegal Expenditures. The usual prohibitions relate to bribery, betting, treating and entertainment, conveyances for voters and workmen at the polls.

Compare the laws of Eng., Mich., Mont., N. D. and Ore.

Bribery. Although this is an offense at common law, nearly all states have enacted statutes punishing it severely.

It is defined to include a list of offenses in Ky., Mich., Mont. N. J. and W. Va.; and is made a penitentiary offense in Ala., Cal., Kans., La., Md., Minn., Mo., Nev. and Wis. It is a mis-

demeanor in Colo., Fla., Ia., Id., Ky., Me., Mass., Mich., Mont., N. M., N. J., N. Y., N. D., S. C., Vt., W. Va., Wash. and Wy. It is punished by disfranchisement, and generally by disqualification for holding office, in Ala., Ind., Me., N. J., Okla. and Wash.; and in most states it is punished by penitentiary sentences. In Ill., the person receiving a bribe is penalized, but the one bribing is specifically exempt from prosecution.

Promising office or employment in order to secure votes is penalized in Cal., Conn., Mass., Mont., Nev., N. J., N. D., Ore., S. D. and Texas.

Treating and entertaining electors in an attempt to influence their votes, is generally punished as a misdemeanor, by fine and imprisonment in the county jail.

Compare the laws of Cal., Ia., Kans., Mich., Minn., Mo., N. Y., Ore. and W. V.

Liquor. Most states require saloons and bar-rooms, at least those near the polls, to be closed and penalize the disposal of liquor on election day. Violation is generally declared a misdemeanor punished by a fine and imprisonment and sometimes forfeiture of liquor licenses.

Betting is penalized as a species of bribery in most states and is usually punished as a misdemeanor by a fine, often varying with the size of the bet.

Wagers on elections are void at common law. *Johnson v. Russel*, 37 Cal. 670 (1870).

Contributions to churches, eleemosynary institutions, etc., during or immediately preceding a campaign are forbidden in Fla. and Ore.; and such societies asking contributions of candidates are subject to a fine in W. Va. In Miss. a candidate may not contribute to charitable institutions outside of his county.

Claims for campaign services must be presented within eight days after the election in Neb.; ten days in Cal., and fourteen days in Eng. They must be paid within twelve days in Cal. and within twenty-eight days in England.

Offering to accept office at less than the salary allowed by law is penalized in Del., Kan. and Mo.

Paying others' poll taxes that they may vote is penalized in Fla., Tenn. and Tex.; and the paying of naturalization fees for that purpose is forbidden by the laws of Mass., Neb. and Tex.

Providing conveyances to take voters to and from the polls is forbidden in Eng., Ariz., Cal., Mich., Mont., Nev., Okla., Texas, Wash. and Wyom. except for those who are infirm.

Furnishing bands of music for election purposes or buttons or badges to be worn near the polls are forbidden by the laws of Eng. and Ore.

POLITICAL AGENTS.

Following the English act many states have attempted to fix definite responsibility for excessive use of money by requiring that all contributions and expenditures be made through responsible agents and forbidding the indiscriminate hiring of workers at the polls.

Payments through agents. In England a candidate may not personally expend over £100, further expenditures must be through an agent. He is responsible for the illegal acts of that agent alone. In Ala. the law requires candidates to appoint election agents and notify the judge of probate as to who they are.

Political treasurers are required for political committees in most states which attempt to regulate the activity of committees. Contributions and expenditures must be made through them and they are responsible for filing election expense accounts.

On this point compare the laws of Conn., Kans., Mass., Minn., Mont., N. Y., Ore., Pa. and Wis. In Conn. and N. Y. the secretary of state must be notified at once as to who the political treasurer is to be.

Election workers may not be hired in accordance with Eng. law, nor in Ga., Ia., Kans., Miss. or Mont. In Hawaii a limited number may be hired but a list of them must be supplied the inspectors of precincts. Fla. law requires a candidate to submit a list of those leaving their regular avocations to aid his election.

ADVERTISING.

Attempts to prevent the purchase of editorial support; publication of anonymous campaign articles and posters, of political advertisements as news, and of forged campaign literature, have been made in several states.

Editorial support may not be sold by newspapers under the laws of Mass., Ore., Vt. and Wash.

Newspaper advertisements of a political character must be designated "political advertisement" in Mass., Ore., Texas and Wash. in type of good size and must be accompanied by the names of those inserting the advertisement. They must be signed in N. J. also.

Publishing false statements of the withdrawal of candidates is penalized in Eng. and Hawaii, and the publication of forged campaign literature is punished in N. H.

Posters must bear the names of their writers and publishers in Cal., Minn., Miss. and N. J; of the writer and publisher in Ore.; and of the printer in Eng. and Miss. Posting political advertisements is forbidden in Mich. or the publication of large sized lithographs, half tones, etc. Posters may not be distributed near the polls in Fla.

STATE CONTRIBUTIONS.

The Oregon plan of having the secretary of state mail each voter a pamphlet discussing the qualifications of candidates for office necessitates a state appropriation. The Colorado law, providing that state funds be paid political parties for campaign purposes at the rate of twenty-five cents for each vote cast by that party in the last election, has recently been declared unconstitutional.

MISCELLANEOUS PROVISIONS.

Other acts which are penalized as corrupt practices in some states are

Using false naturalization certificates, punished by federal law and the law of N. Y. and Texas.

Forging campaign literature, punished in N. H. by a fine of \$1,000.

Inducing one to become a candidate by the use of money, forbidden in Mont. and Ore. Inducing a candidate to withdraw is penalized in England, Hawaii and Mont.

Attacks on the personal character of a candidate, penalized in Eng. and Ore.; must be signed by the author in Minn.

PENALTIES.

The penalties vary according to the nature of the offence, and consist of fines and imprisonment in the

penitentiary, disfranchisement and disqualification for holding office and its vacation if it has been entered upon. For the more heinous offenses, such as bribery, contributing to campaign funds or interference by employers or corporations with the exercise of the suffrage on the part of their employes, fines, and forfeiture of corporation charters and rights of doing business in the state.

Maximum fines imposed by states vary from \$500 in Miss. and in Wis. (for violations by individuals); to £200 in England; \$1000 in Ala., Hawaii, Id., Ia., Ind., Kans., Mo., Mont., N. Y., Pa., R. I. and Utah; \$2000 in N. J. for bribery; \$5000 in Nev. for the promise of an office; in Ariz. and Wis. \$5000 for violations of the election law by corporations; and \$10,000 in Fla. and Mass. for the making of contributions by corporations.

Imprisonment. Among the more severe penitentiary sentences may be noted the following maxima in the respective states: Hawaii and Pa.; two years; Ala., Ia., Ind., Mo., Mont., Nev., N. J., N. Y. and Wis., five years; Minn., seven years; and Miss., ten years.

Disfranchisement. This is a penalty frequently imposed for bribery and for conviction of a felony. Among the states where indefinite or perpetual disfranchisement or disfranchisement until pardoned is a penalty are, Fla., Id., Ind., Kans. and Ky.

Disfranchisement for a shorter period, usually from two to five years is in practice in Eng., Del., Miss., N. Y., Pa., Utah, Vt., and Wash.

Disqualification forever from holding office or occupying any position of trust or profit in the state are penalties imposed for bribery, illegal voting, intimidating voters or for felonies, in Eng., U. S., Ark., Hawaii, Id., Kans., Ky., Mass., N. Y., R. I. and W. Va.

Disqualification for a limited time for holding office or any position of trust or profit in the state are among the penalties in Eng., Ind., Ky., N. Y. and S. C.

Elections are annulled which have been secured by bribery according to the universal rule. This is also frequently incorporated in statute law.

See laws of Eng. and R. I.

An office secured by bribery or certain gross corrupt practices must be vacated in accordance with the law in many states.

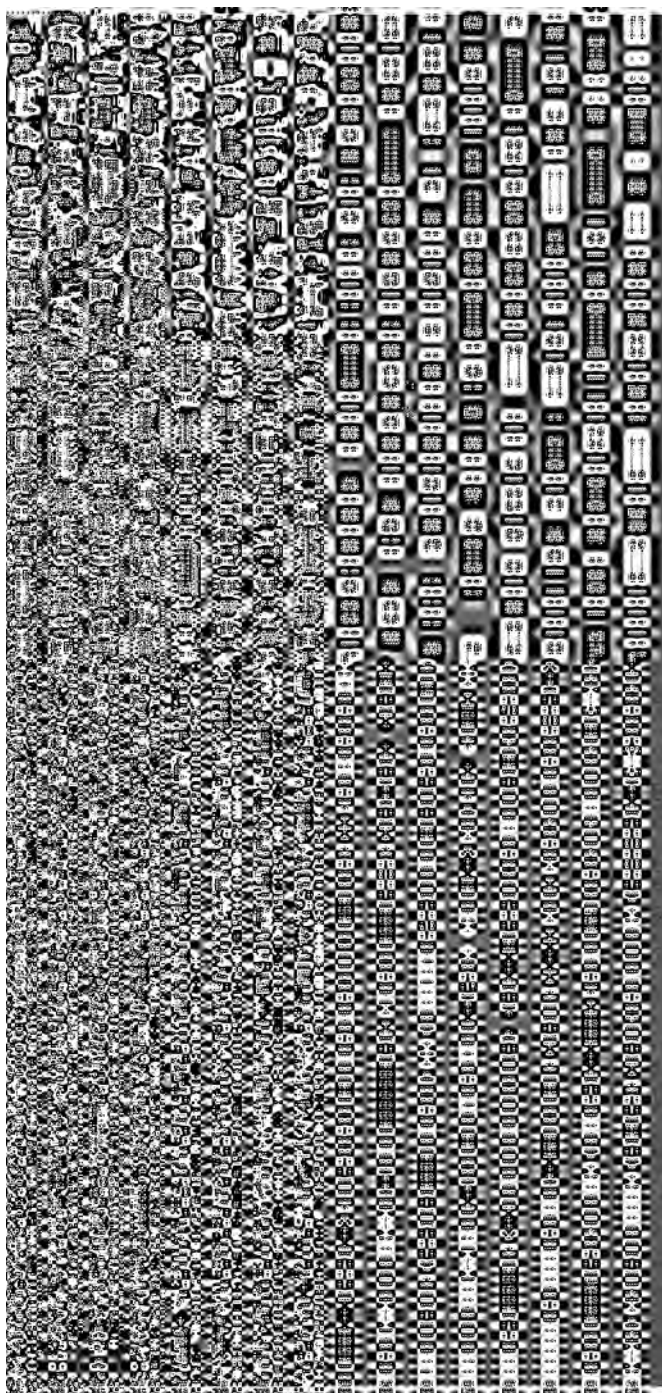
See laws of Eng., Hawaii, Ia., Kans., Mo., N. Y. and Wis.

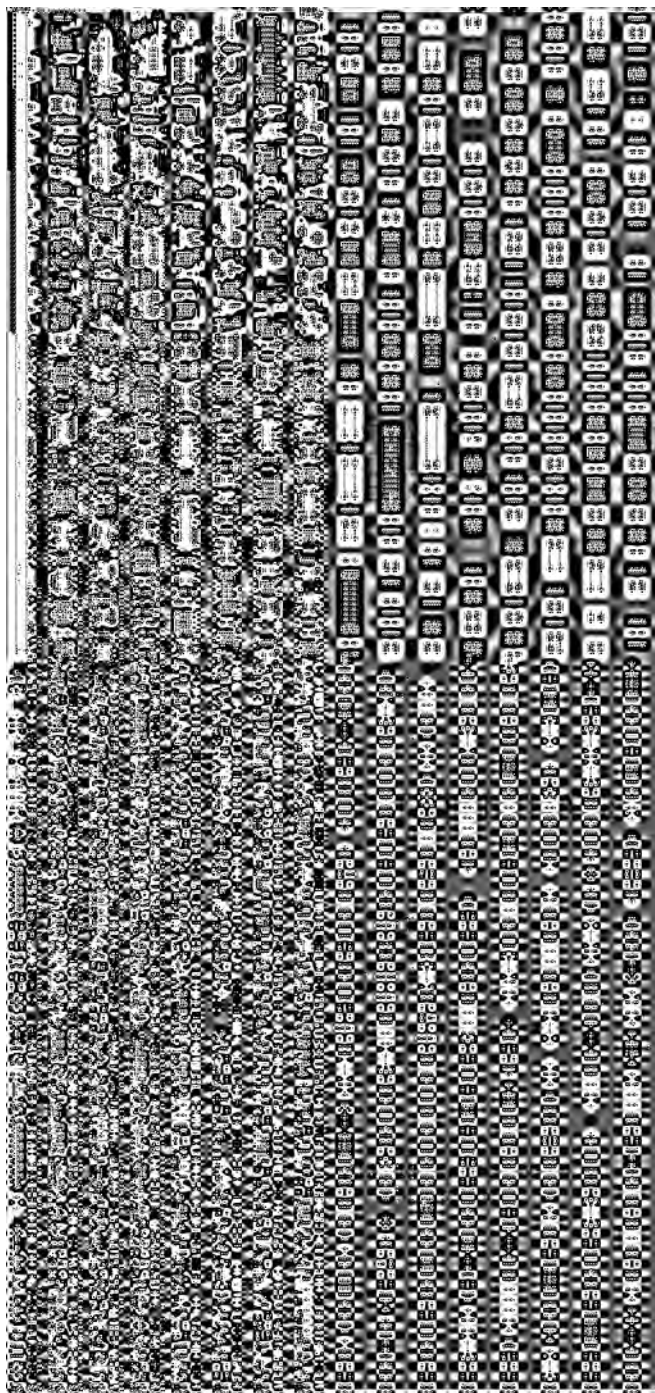


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- No. 23. Corrupt Practices at Elections. (No. 3 Revised)





ERNING

INTRODUCTION

The Legislative Reference Department has had many requests for information as to what other states are doing to prevent the spread of tuberculosis. The Wisconsin Anti-tuberculosis Association has furnished the data for this bulletin and the Legislative Reference Department has cooperated in its publication.

CHARLES MCCARTHY,
Legislative Reference Department.

STATE LEGISLATION CONCERNING TUBERCULOSIS

LEO F. TIEFENTHALER

COMPARATIVE LEGISLATION BULLETIN—NO 24—MARCH, 1911
Prepared with the co-operation of the Political Science
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Association

WISCONSIN LIBRARY COMMISSION
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GENERAL TUBERCULOSIS LAWS

Maryland in 1904 was the first state to enact a comprehensive measure concerning tuberculosis. Similar laws were enacted in Wisconsin in 1905 and 1907, New York in 1908, Connecticut, Kansas, Maine and Michigan in 1909 and New Jersey in 1910. More limited laws have been passed by Washington in 1899, Vermont in 1902, New Hampshire and Utah in 1905, Alabama in 1907, Virginia in 1908, Pennsylvania and Rhode Island in 1909 and Mississippi in 1910.

The Kansas statute is a good example of a comprehensive measure:

Chapter 227, Laws of Kansas, 1909

Relating to powers and duties of local health officers and boards of health for the protection of people from tuberculosis.

Senate bill No. 209

AN ACT defining the powers and duties of local health officers and board of health in the matter of the protection of the people of the state of Kansas from the disease known as tuberculosis, and providing penalties for the violation of the provisions of this act, and re-

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pealing all acts and parts of acts in so far as they conflict with the provisions of this act.

Be it enacted by the Legislature of the State of Kansas.

SECTION 1. Tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. It shall be the duty of every physician in the state of Kansas to report in writing, on a form to be furnished as hereinafter provided, the name, age, sex, color, occupation, place where last employed, if known, and address of every person known by said physician to have tuberculosis, to the county health officer; or in cities of the first class to the city health officer, in which said person resides within twenty-four hours after such fact comes to the knowledge of said physician. It shall also be the duty of the chief officer having charge for the time-being of any hospital, dispensary, asylum, or other similar private or public institution in said state of Kansas, to report in like manner the name, age, sex, color, occupation, place where last employed, if known, and previous address of every patient having tuberculosis who comes into his care or under his observation within twenty-four hours thereafter.

SECTION 2. It shall be the duty of the bacteriologist of the laboratory of the State Board of Health, when so requested by any physician or by authorities of any hospital or dispensary, to make, or cause to be made, a microscopical examination of the sputum forwarded to said bacteriologist as that of a person having symptoms of tuberculosis, which shall be forwarded to such officer accompanied by a blank giving name, age, sex, color, occupation, place where last employed, if known, and address

of the person whose sputum it is. It shall be the duty of said bacteriologist promptly to make a report of the results of such examination, free of charge, to the physician or person upon whose application the same is made.

SECTION 3. It shall be the duty of every health officer of a city or county to cause all reports made in accordance with the provisions of the first section of this act, and also all results of examinations showing the presence of the bacilli of tuberculosis made in accordance with the provisions of the second section of this act, to be recorded in a register, of which he shall be the custodian. Such register shall not be open to inspection by any person other than the health authorities of the state and of said city or county, and said health authorities shall not permit any such report or record to be divulged so as to disclose the identity of the person to whom it relates, except as may be necessary to carry into effect the provisions of this act.

SECTION 4. In case of the vacation of any apartment or premises by the death or removal therefrom of a person having tuberculosis, it shall be the duty of the attending physician, or if there be no such physician, or if such physician be absent, of the owner, lessee, occupant, or other person having charge of the said apartments or premises, to notify the health officer of said city or county of said death or removal within twenty-four hours thereafter, and such apartments or premises so vacated shall not again be occupied until duly disinfected, cleansed or renovated as hereinafter provided.

SECTION 5. When notified of the vacation of any apartments or premises as provided in section 4 hereof, the local health officer, or one of his assistants or depu-

ties, shall within twenty-four hours thereafter visit said apartments or premises and shall order and direct that, except for purposes of cleansing or disinfection, no infected article shall be removed therefrom until properly and suitably cleansed or disinfected, and said health officer shall determine the manner in which such apartments or premises shall be disinfected, cleansed or renovated in order that they may be rendered safe and suitable for occupancy. If the health authorities determine that disinfection is sufficient to render them safe and suitable for occupancy, such apartments or premises, together with all infected articles therein, shall immediately be disinfected by the health authorities at public expense, or, if the owner prefers, by the owner at his expense, to the satisfaction of the health authorities. Should the health authorities determine that such apartments or premises are in need of thorough cleansing and renovation, a notice in writing to this effect shall be served upon the owner or agent of said apartments or premises, and said owner or agent shall thereupon proceed to the cleansing renovating of such apartments or premises in accordance with the instruction of the health authorities, and such cleansing and renovation shall be done at the expense of the said owner or agent.

SECTION 6. In case the orders or direction of the local health officer requiring the disinfection, cleansing or renovation of any apartments or premises or any article therein, as hereinbefore provided, shall not be complied with within forty-eight hours after such orders or directions shall be given, the health officer may cause a placard in words and form substantially as follows to be placed upon the door of the infected apartments or

premises. "Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the health officer directing their disinfection or renovation has been complied with. This notice must not be removed under the penalty of law, except by the health officer or other duly authorized official."

SECTION 7. Any person having tuberculosis who shall dispose of his sputum, saliva or other bodily secretion or excretion so as to cause offense or danger to any person or persons occupying the same room or apartment, house, or part of house, shall, on complaint of any person or persons subjected to such offense or danger, be deemed guilty of an offense, and any person subjected to such offense may make complaint in person or writing to the health officer of any city or county where the offense complained of is committed. And it shall be the duty of the local health officer receiving such complaint to investigate, and if it appears that the offense complained of is such as to cause offense or danger to any person occupying the same room, apartment, house, or part of house, he shall serve a notice upon the person complained of, reciting the alleged cause of offense or danger and requiring him to dispose of his sputum, saliva or other bodily secretion or excretion in such a manner as to remove all reasonable cause of offense or danger. Any person failing or refusing to comply with orders or regulations of the local health officer of any city, county, or state, requiring him to cease to commit such offense, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than ten dollars.

SECTION 8. It shall be the duty of a physician attending a patient having tuberculosis to take all proper precautions and to give proper instructions to provide for the safety of all individuals occupying the same house or apartment, and if no physician be attending such patient this duty shall devolve upon the local health officer; and all duties imposed upon physicians by any sections of this act shall be performed by the local health officer in all cases of tuberculosis not attended by a physician, or when the physician fails to perform the duties herein specified, and shall so report.

SECTION 9. It shall be the duty of the local health officer to transmit to a physician reporting a case of tuberculosis, as provided in section 1 of this act, a printed statement and report, in a form approved by the secretary of the State Board of Health, naming such procedures and precautions as in the opinion of the said secretary are necessary or desirable to be taken on the premises of a tuberculosis patient. It shall be the duty of the local health authorities to keep on hand an ample supply of such statements and reports and to furnish the same in sufficient numbers to all local physicians. Upon receipt of such statement and report the physician shall either carry into effect all such procedures and precautions as are therein prescribed, and shall thereupon sign and date the same and return it to the local health officer without delay, or if such attending physician be unwilling or unable to carry into effect the procedures and precautions specified, he shall so state upon this report and immediately return the same to the local health officer, and the duties therein prescribed shall thereupon devolve upon said local health officer, who shall receive the fee herein-

after provided as payment of the services of the physician if he comply with the duties herein prescribed. Upon receipt of this statement and report the local health officer shall carefully examine the same, and if satisfied that the attending physician has taken all necessary and desirable precautions to insure the safety of all persons living in the apartments or premises occupied by the person having tuberculosis, the said local health officer shall issue an order upon the treasurer of the city or county in favor of the attending physician for the sum of one dollar, thereupon to be paid out of the general fund of said city or county. If the precautions taken or instructions given by the attending physician are, in the opinion of the local health officer, not such as will remove all reasonable danger or probability of danger to the persons occupying the said house or apartments or premises, the local health officer shall return to the attending physician the report with a letter specifying the additional precautions or instructions which the health officer shall require him to take or give; and the said attending physician shall immediately take the additional precautions and give the additional instructions specified and shall record and return the same on the original report to the local health officer. It shall further be the duty of the local health officer to transmit to the physician reporting any case of tuberculosis a printed requisition, in a form approved by the secretary of the State Board of Health. Upon this requisition blank shall be named the materials kept on hand by the local health officer for the prevention of the spread of tuberculosis, and it shall be the duty of the local health officer to supply such materials as may be specified in such requisition. Any physician may return

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a duly signed requisition to the local health officer for such of the specified materials and in such amount as he may deem necessary to aid him in preventing the spread of the disease, and all local health officers shall honor, as far as possible, a requisition signed by the attending physician in such case. It shall be the duty of every local health officer to transmit to every physician reporting any case of tuberculosis, or to the person reported or suffering from this disease, provided the latter has no attending physician, a circular of information approved by the secretary of the State Board of Health, and which shall be provided in sufficient quantity by the local authorities. This circular of information shall inform the consumptive of the best methods of treatment of his disease and of the precautions necessary to avoid transmitting the disease to others. Any physician who shall certify falsely as to any of the precautions taken to prevent the spread of infection shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to a fine of not more than fifty dollars.

SECTION 10. Upon the recovery of any person having tuberculosis, it shall be the duty of the attending physician to make a report of this fact to the local health officer, who shall record the same in the records of his office, and shall relieve said person from further liability to any requirements imposed by this act.

SECTION 11. It is hereby made the duty of the local health officer to return to the State Board of Health on or before the tenth day of each month, a copy of each report of tuberculosis received and recorded by him during the preceding month.

SECTION 12. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished, except as herein otherwise provided, by a fine of not less than five dollars nor more than fifty dollars.

SECTION 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed in so far as they conflict with the provisions of this act.

SECTION 14. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1909.

Published in official state paper March 2, 1909.

The principal differences between the laws of Connecticut, Michigan, Maine, Maryland, New York and New Jersey and that of Kansas are as follows:

New York. (Consolidated Laws, Public Health Law, Chapter 45, Sections 320 to 331; Chapter 351, 1908.) The examination of sputum made by the health officer of the county, town or village. Duties that fall to the health officers of counties or cities in Kansas fall to the health officers of the county, town or village.

New Jersey. (Chapter 169, 1910.) Physicians are to receive ten cents from the local authorities for each name reported. Examination of sputum is made by the local health officers. Disinfection at public expense only is provided for. Requisition for materials, the report of recovery and the transmission of the circular of information are omitted.

Maryland. (Public General Law, Article 43, Sections 56 to 65; Chapters 412 and 399, 1904.) No provision is made for the examination of sputum nor for the clean-

ing and renovation of apartments when these are vacated by death or removal. The physician shall receive one dollar and fifty cents from the state board of health for filling out the report required. Report of recovery is not required. All institutions receiving state, city, town or county aid are required to report cases to the state board of health, but no mention is made of private institutions. The state board of health is required to keep a register of persons affected with tuberculosis. The state board of health is authorized to issue circulars regarding the prevention and cure of tuberculosis. The use of the placard is not required.

Maine. (Chapter 78, Public Laws, 1909.) Reports of the cases of tuberculosis are to be made to the state board of health, which is to keep a record of such cases. No provision is made for the examination of sputum. The report by physicians regarding the care of patients and the circular of information are not required.

Michigan. (Act 27, Public Acts 1909.) For the report of each case of tuberculosis a physician is to receive fifty cents from the state treasury. The local health officer is required to make the examination of sputum or other bodily secretion or discharge. The disinfecting shall be done at public expense. No provision is made for the requisition for supplies or the report to be filled out by the physician regarding the care of the patient. Report to the state board of health is not required.

Connecticut. (Chapter 79, 1909.) No provisions are made for the examination of sputum, requisition for supplies, physician's report regarding the care of the patient, report of recovery and report to the state board of health.

The provisions of the laws of more limited scope are as follows:

Mississippi. (Chapter 130, 1910.) Physicians are required to report cases of tuberculosis to the state board of health. The board shall send to patients thus reported information on the care and treatment of patients, the prevention of the spread of tuberculosis and such other matter as may be prescribed by the board. Death or recovery shall be reported by the physician to the state board of health. Penalty for violation shall be a fine of from ten dollars to fifty dollars.

New Hampshire. (Chapter 17, 1905.) It shall be the duty of the attending physician or a member of the patient's family or household to report every death from pulmonary consumption, or the removal of a consumptive patient, to the local board of health within one week of death or removal. It shall be the duty of the local board of health within one week after such notice or information from any other source to cause the infected premises to be thoroughly disinfected and cleaned. The methods are to be endorsed and recommended by the state board of health.

Rhode Island. (Chapter 386, 1909.) All physicians and the superintendent of institutions deriving part or the entire support from the state shall report cases to the state board of health. The board shall keep a register of cases reported. The register shall not be open to public inspection.

Virginia. (Chapter 41, 1908.) The person in charge of any institution (including prisons and almshouses) supported entirely or in part by state, city, town or county funds shall report cases of tuberculosis to the state board

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of health. Tuberculosis patients in such institutions shall be separated from the other inmates. The householder, physician or other person having knowledge thereof shall inform the local board of health of apartments vacated by death or removal of persons affected with tuberculosis. The local board of health shall disinfect such premises.

Washington. (General Statutes, Sections 5550 to 5554, p. 117, 1899.) All practicing physicians in cities of the first and second class shall report cases of tuberculosis within five days to the local board of health. The board shall keep a record of these cases which shall not be open to public inspection. The board shall furnish each patient with printed instructions unless the attending physician shall request it not to do so. When the infected premises are vacated the owners shall disinfect them at his own expense. Upon the owner's failure to comply with this requirement the board of health shall disinfect and the costs thereof shall be a lien against the premises.

Wisconsin. (Chapter 93, 1907, amending Chapter 192, 1905.) Every physician, or person, or owner, agent, manager, principal or supeintendent of every public or private institution or dispensary, hotel, boarding or lodging house, in any such town, incorporated village, or city shall report to the department of health thereof, in writing, or shall cause such report to be made by some proper and competent person, the name, age, sex, occupation, and latest address of every person afflicted with tuberculosis, who is in their care, or who has come under their observation, within one week of such time.

Upon the vacation of any apartment or premises by death or removal of any person sick with tuberculosis,

the person or physician or person in charge shall notify the local commissioner of health within twenty-four hours. The health commissioner or health officer shall order and direct disinfection. In case there is no other occupant in premises or apartment he shall order renovation and disinfection of such. If orders or directions are not complied with the health commissioner or health officer shall cause a placard as follows to be placed upon the door: "Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the health commissioner or health officer directing their renovation and disinfection has been complied with. This notice must not be removed under a penalty of law, except by the commissioner of health, or an authorized officer."

A person afflicted with tuberculosis of the lungs or larynx shall not dispose of his sputum, saliva or other infectious secretion in such a place as to cause offense or danger of contracting the disease to any person. A person affected with tuberculosis shall provide himself with a sputum flask or other receptacle to deposit his sputum, saliva or other infectious secretion while traveling in any public conveyance or attending any public place. The contents shall be burned or otherwise disinfected. The patient and the person in attendance and authorities of institutions or dispensaries shall take precautionary measures preventing the spread of pulmonary tuberculosis. For the purpose of this act railroad conductors or other persons in charge of common carriers may exercise the powers of sheriffs and constables. The penalty of violation of the act shall be a fine of not less

than five dollars or more than one hundred dollars or imprisonment in the county jail for not less than five days nor more than ninety days.

Alabama. (Page 893, General Acts, 1907.) Tuberculosis is named among a list of diseases to be reported.

Utah. (Chapter 55, 1905.) Every physician and every superintendent of hospital or public institution shall report to the state board of health every case of tuberculosis which he is called upon to treat or which is in such hospital or public institution.

Vermont. (No. 117, 1902.) Every physician shall report to the secretary of the state board of health all cases of tuberculosis that come under his treatment. The secretary shall keep a careful record of all reported cases.

Pennsylvania. (Page 855, 1909.) Physicians shall report cases of communicable diseases, among which tuberculosis is named.

DISTRICT, COUNTY AND MUNICIPAL HOSPITALS, SANATORIA AND DISPENSARIES

New York. (Chapter 341, 1909.) The board of supervisors of any county may vote to establish county hospitals for tuberculosis. The board shall then have power to acquire property, to erect buildings (if approved by the board of health), to cause to be assessed, levied and collected such sums as it shall deem necessary, to borrow money, to issue county obligations therefor. Detailed provisions are made for the management of the hospitals. The patients or relatives shall pay according to their ability to pay. If the patient or rela-

tives are unable to pay in whole or in part the differences shall be paid by the county. Patients from other counties not having a hospital, shall be admitted to the county hospital on the application of the superintendent of poor of his own county if there is a vacancy in the hospital. Such patient is a charge against his home county. He or his relatives shall pay, in whole or in part according to their financial ability, the cost of the maintenance of the patient. When a tuberculosis hospital exists in connection with a county almshouse the board of supervisors may appoint a board of managers for the hospital. They shall be subject to the provisions of this act.

(Consolidated Laws, Public Health Law; Chapter 45, Section 319, Consolidated Laws; Chapter 171, 1909.) A hospital for tuberculosis shall not be established in any town, unless an application is filed with the commissioner of health giving the location and character of the proposed hospital. A day shall be fixed for a public hearing before the state commissioner of health and the local health officer. Notice hereof shall be published. The determination of the state health commissioner and the local health officer is final. If these are unable to agree then the state commissioner of health, lieutenant governor, and speaker of the assembly shall decide, (with or without a hearing). Such determination shall be final and conclusive.

(Chapter 21, Sections 140, 141, 142, Consolidated Laws, General City Law.) Cities of the first class may maintain outside their limits, but not within the corporate limits of any other city or any village, with the approval of the state board of health, hospitals for tuberculosis. All tuberculosis hospitals now or hereafter maintained

by cities of the first class shall be subject to the local board of health.

New Jersey. (Chapter 88, 1910, as amended by Chapter 207, 1910.) The New Jersey law for the erection and maintenance of county hospitals is almost identical with the New York law. A limit is set to the bond issue at one-tenth of one per cent of the total taxable ratables of such county.

(Chapter 66, 1910). The consent of the state board is necessary to establish hospitals and sanatoria for tuberculosis. Application shall be made to the state board of health giving the name of the city, town, borough, township or other municipality and with a descriptive map of the premises. A public hearing shall be held on the application, after which the board grants or withholds consent and approval. The consent of the local boards is not necessary for the erection of the institution or for bringing persons to such institutions from points within or without the state.

Ohio. (Page 62, 1908, as amended, page 86, 1909, and page 363, 1910.) It shall be unlawful to keep a person suffering from pulmonary tuberculosis in any county infirmary except in separate buildings to be provided and used for that purpose only. The board of county commissioners may construct a county hospital for tuberculosis. If the funds are not available the county commissioners shall levy and set aside a sum necessary, and may issue and sell bonds in anticipation of the levy. The commissioners and infirmary directors of any county may contract with another county or municipality, when such hospital has been constructed, for the care and treatment of residents of the former county at actual cost. The probate

judge may remove a patient of an infirmary if suffering from tuberculosis to a county hospital for tuberculosis of some other county. Patients admitted otherwise than from an infirmary shall pay not more than three dollars per week.

The state board of health has general supervision over county hospitals.

The commissioners of any two or more counties not to exceed five may form themselves into a joint board and establish a district hospital.

The formation of a board of trustees and detailed provisions for the conduct of the hospital are given.

The division of the cost among such counties shall be by the total number of days the patients from each county spent in the hospital, but the sum paid by patients from each county shall be deducted.

Illinois. (Page 162, 1909.) Each county shall have power to purchase and hold real estate upon which may be erected and maintained by the county a sanatorium for the treatment of the residents of the county who may be afflicted with tuberculosis. to purchase, hold and use all necessary personal property for the proper care and maintenance of such real estate and sanatorium, and to cause to be erected and maintained all suitable buildings for a tuberculosis sanatorium.

Minnesota. (Chapter 347, 1909.) The board of county commissioners in any county in the state shall have power to maintain a public sanatorium for the treatment and care of persons afflicted with tuberculosis. In such case a county sanatorium commission shall be chosen by the county commissioners and approved by the state board of health, one of which commission shall be a physi-

cian. Two or more counties may unite in acquiring, establishing, equipping and maintaining such a sanatorium. The appropriation for establishing and equipping the sanatorium shall not exceed twenty thousand dollars. The tax levy for the equipment and maintenance shall not exceed four tenths of one mill on the dollar of assessed valuation.

Iowa. (Chapter 26, 1909.) Counties are empowered to establish public county hospitals. The board of trustees are authorized to provide a department for the treatment of persons suffering from tuberculosis. The board of trustees shall determine whether the patients are subjects for charity. The board of supervisors of any county, when no suitable provision has been made for the care of its indigent tuberculous residents, may contract with the board of hospital trustees of any public hospital for the care of such persons in the sanatorium department of said hospital, upon such reasonable terms as may be agreed upon.

Oregon. (Chapter 198, 1909.) Any county or city of ten thousand may levy a tax to establish and maintain a tuberculosis sanitarium. Upon the application of one hundred voters the question shall be referred to the people at election. The sanitarium shall be free to the inhabitants of the city or county. It shall be subject to the rules and regulations of the state board of health. The county court with the approval of the county commissioners or the mayor with the approval of the council shall appoint a board of three directors. This board, shall have power to purchase a site and erect the hospital with the approval of the state board of health and to appoint persons to have charge of the hospital.

Connecticut. (Chapter 120, 1909.) As necessity arises there shall be erected in each county a home to be used for the care and treatment of persons afflicted with tuberculosis. Three of these shall be erected as soon as possible after the appointment of a board of directors of three by the governor. The homes in the other counties shall be erected when the recommendation of the board therefor has been approved by the general assembly. The cost of construction and equipment necessary for the work of the homes shall be paid by the state. Patients in town almshouses or county temporary homes suffering with tuberculosis shall be removed to a reception home for tubercular patients. Any resident of the state afflicted with tuberculosis shall be admitted to the home in the county of his residence or in some other county. If patients are able they shall pay the full cost of their treatment. Patients who are unable to pay full cost shall pay a minimum rate of two dollars per week, and of the balance of the cost of the treatment and care of each such patient the city or town shall pay the difference between the actual rate per week paid by the patient and four dollars per week, and the state shall pay the balance of such cost over and above four dollars per week; but the total cost of the treatment and care of each of such patients shall not exceed ten dollars per week. If a patient is unable to pay, the cost of treatment shall be four dollars per week to the town or city from which such patient is sent. Patients of filthy or immoral habits shall not be received or retained unless separate accommodation is provided them. The management of the homes shall be under the direction of the board of directors, and the board shall appoint the necessary as-

sistants. Each member of the board shall receive a salary of twenty-five hundred dollars. The board shall recommend state aid for sanatoria under private management. The act carries with it an appropriation of one hundred and seventy-five thousand dollars.

California. (Chapter 591, 1909.) The state board of health is authorized to enter into contracts with tuberculosis hospitals for the treatment at public expense of indigent residents of the state afflicted with incipient pulmonary tuberculosis. Each county of the state is given the privilege of maintaining at its own expense in these institutions such a number of indigent patients as its board of supervisors may determine. No county shall be required to pay more than one dollar per day per patient for all medical and other services. Only incipient cases shall be admitted.

Georgia. (Page 137, 1909.) Municipalities of a population between fifty-four thousand and seventy-five thousands may establish, alone or with the county, a tuberculosis sanatorium. They may establish two departments, one for indigent and the other for pay patients.

Illinois. (Page 43, 1908, as amended, page 143, 1909.) Cities and villages shall have power to establish and maintain public sanatoria for persons afflicted with tuberculosis and to levy a tax not to exceed one mill on the dollar annually on taxable property of the city or village. Upon the petition of one hundred voters the question of the tax for a sanatorium must be referred to vote. Upon a majority vote such tax shall be levied. The mayor or president of the board of trustees shall appoint a board of three directors. This board shall make by-laws and rules and regulations, appoint assistants

and carry out the spirit of the act. The sanatorium shall be free for inhabitants of the city or village. The board shall prescribe terms for the admission of non-residents. The board shall make an annual report to the council or board of trustees. All reputable physicians shall have equal privileges in treating patients in these sanatoria. Donations, bequests or devices may be accepted.

Nebraska. (Chapter 88, 1909.) The state board of health shall provide a list containing hospitals suitably equipped and willing to accept patients afflicted with tuberculosis. It shall send a copy of the list to each county clerk in the state. It shall prescribe regulations for the care, housing and nursing of such patients and see that they are complied with. The modern treatment by immunigation (vaccine therapy) is made obligatory in addition to the open air and other sanitary methods. The charge shall not exceed seven dollars a week. Any indigent patient who is afflicted with tuberculosis disease of the respiratory organs of a curable nature, and who has been a resident of the state for one year may be admitted to one of these hospitals. The county board shall pay for the care and treatment at one of these hospitals. No patient shall be admitted unless the written application has been approved, after an examination and hearing by the county judge and unless he has received a certificate from a practicing physician.

New Hampshire. (Chapter 152, 1909.) The state board of health shall establish one or more dispensaries for the more thorough detection or discovery of tuberculosis and for the free treatment of indigent cases of tuberculosis upon the petition of the selectmen of any

town, or of the mayor of any city, or upon its own motion. The examining physician selected by the state board of health shall examine applicants. He may forward sputum for examination to the state board of health. The examination shall be free of charge. The physician making the examination shall receive from the state one dollar for each examination in which germs are detected. Treatment shall be free to all indigent patients. The work shall be carried on in two sections for the care and treatment of incipient cases and for advanced cases. Cities and towns are authorized to raise a tax not to exceed one tenth of one per cent of the assessed value of the taxable property of the city or town. The act provides for an annual appropriation of five hundred dollars.

Rhode Island. (Chapter 400, 1909.) No person, corporation, city or town shall establish any hospital for the treatment of patients suffering from tuberculosis unless the board of health of the city or town authorizes the same.

STATE HOSPITALS, SANATORIA AND DISPENSARIES.

Alabama. (Page 705, 1907.) Alabama sanatorium for consumption and tuberculosis, established for the study of tuberculosis, disseminating the results of the study, showing the best methods of treating it and preventing its spread and for the care and treatment of such persons as may be admitted to the sanatorium. The governor, the state health officer and five other members appointed by the governor, three of whom shall be physicians, shall constitute the board of trustees. The board selects a superintendent. Only curable cases are admit-

ted. Charges for pay patients shall be determined by the board. Indigent patients may be received; the cost of maintenance of these shall not exceed four dollars and twenty cents per week. Ten thousand dollars is appropriated annually. The state shall pay not to exceed sixty cents per day for each indigent patient.

Arkansas. (Act 378, 1909.) The Arkansas Tuberculosis Sanatorium established. Appropriations are made for sum of fifty thousand dollars for the site, construction and equipment and for sum of thirty thousand dollars for its maintenance. A board of trustees of six members shall be appointed by the governor. The board shall appoint a medical superintendent. Indigent and pay patient may be admitted. The charge shall be determined by the board.

Connecticut. (Chapter 120, 1909.) The state shall pay the cost of the construction and equipment of homes to be erected in the various counties. The state shall also pay the cost over and above four dollars per week of those patients who pay only the minimum rate of two dollars per week, provided that the total cost shall not exceed ten dollars per week.

Delaware. (Chapter 74, 1909.) The Delaware State Tuberculosis Commission shall consist of nine members, three from each county, appointed by the governor. The commission shall have power to send indigent patients to sanatoria for treatment, and shall pay for the care, treatment and support of these patients. Persons able to pay only a part of the cost of their maintenance may be assisted by the commission. The commission shall make an annual report to the governor.

The commission is directed to establish at least one

dispensary in each county for the treatment of indigent consumptives and to employ the necessary assistants. Fifteen thousand dollars is appropriated annually.

Georgia. (Page 101, 1908.) The act establishes a State Sanitarium for patients afflicted with tuberculosis. The board of managers, two from each congressional district, shall be appointed by the governor. The board shall appoint a doctor to take charge of the institution and other assistants. There shall be two departments, one for pay and the other for indigent patients. Charges shall be fixed by the board.

Indiana. (Chapter 125, 1907.) The act establishes the Hospital for Treatment of Tuberculosis. The governor shall appoint a board of trustees of three members. They shall receive three hundred dollars a year and one hundred dollars expenses. The board shall appoint a superintendent. Only incipient cases are admitted. Indigents shall be county charges. The cost of maintenance shall not exceed five dollars a week. The county shall pay the part of the cost that is unpaid by the partial pay patients. Pay patients may also be admitted. The appropriation is thirty thousand dollars. Chapter 189, 1909, makes an appropriation of one hundred thirty thousand dollars.

Iowa. (Chapter 120 1906, as amended by Chapter 147, 1907.) State sanatorium for the treatment of incipient tuberculosis is established. The board of control of state institutions shall appoint a superintendent and other employees. The per capita cost shall not exceed thirty dollars per month. The patients shall pay if they are able.

Kentucky. (Page 44, 1908.) Appropriations were made to private sanatoria.

Maine. (Chapter 50, Resolves 1907.) Fifty thousand dollars appropriated for a building for the isolation of the tuberculi insane of the two state asylums.

Maryland. (Chapter 308, 1906.) The Maryland Tuberculosis Sanatorium is established. The board of managers shall consist of the governor, state treasurer, comptroller of the treasury and six other persons appointed by the governor. The appropriation is one hundred thousand dollars.

(Chapter 429, 1906.) The act makes an appropriation of thirty-five thousand dollars to the Hospital for consumptives of Maryland.

Massachusetts. (Revised Laws, 1902, Chapter 88.) Massachusetts state sanatorium was established in 1895.

(Chapter 474, 1907.) The act establishes three sanatoria for tubercular patients. The governor shall appoint a board of trustees of seven members. The trustees may appoint physicians and the necessary assistants. The charges are four dollars per week. Charges for an indigent not having a known settlement shall be paid by the state, for an indigent having a known settlement, by the place of settlement. Patients or persons bound by law to maintain them shall pay if they are able to pay. When the sanatoria are completed the trustees shall assume the powers and duties of the Massachusetts state sanatorium.

Michigan. (Page 363, 1905.) A state sanatorium for tuberculous persons is established. The governor shall appoint a board of trustees of six citizens, four of whom shall be physicians. The board shall appoint a

medical superintendent, who shall be a physician. The superintendent shall appoint all assistants. Both indigent and pay patients shall be admitted. Indigent patients are county charges. The rate for these shall not be less than five dollars, or more than seven dollars a week; the rate for pay patients shall be determined by the board.

Minnesota. (Chapter 316, 1903.) The governor shall appoint five licensed physicians as the advisory commission of the state sanatorium for consumptives.. The state board of control shall appoint a licensed physician as superintendent. The board shall fix the amounts to be charged. Indigent patients shall be county charges. Only incipient cases shall be admitted.

Missouri. (Revised Statutes, Sections 1454 to 1469; page 306, 1907.) The Missouri state sanatorium is established. The governor shall appoint a board of managers of five members, not less than two of whom shall be practicing physicians. The board shall elect a superintendent and other employees. The superintendent, the steward and the treasurer shall make biennial reports. Free patients shall be charged upon the counties or the city of St. Louis. The rate shall not exceed five dollars a week. Pay patients are admitted, but preference is given to the indigent patients. The board shall fix the charges for pay patients. Only incipient cases are admitted.

New Hampshire. (Chapter 92, 1905.) The act establishes the New Hampshire State Sanatorium. The governor, with advice and consent of the council, shall appoint a board of trustees of five persons. The board shall appoint a superintendent, who shall be a physician, and other necessary employees. Pay and free patients

shall be admitted. Charges for pay patients shall be fixed by the board. The state shall pay the amount necessary to make up the deficit of those who are able to pay but a part of their maintenance. The trustees shall make an annual report to the governor and council.

New Jersey. (Chapter 126, 1902, as amended by Chapter 178, 1907.) The New Jersey Sanatorium for Tuberculous Diseases is established. The governor with the advise and consent of the senate, shall appoint a board of eight managers at least four of whom shall be physicians. The board shall appoint a superintendent, who shall be a physician, and other assistants. The board shall make an annual report to the governor. Any person who has been a resident of the state for a year and is afflicted with tuberculous disease of the respiratory organs of a curable nature may be admitted. Persons of sufficient ability to pay shall pay for their care and treatment at a rate to be determined by the board. The charges of persons who have had a residence in any municipality of the state for one year and who are received at the request of the overseer of the poor of that municipality, shall be paid by that municipality; the sum shall not exceed five dollars per week. Persons in indigent circumstances who have had a residence in the state for one year and who do not come within the foregoing two classes shall be treated without cost.

New York. (Consolidated Laws, State Charities Law, Sections 150 to 163.) New York state hospital for the treatment of incipient pulmonary tuberculosis is established. The governor, with the advice and consent of the senate, shall appoint a board of trustees of five citizens, two of whom shall be physicians. The board shall

appoint a superintendent who shall be a physician. The superintendent shall appoint the other employees. The expense of transportation, treatment, maintenance and the actual cost of articles of clothing furnished by the hospital to poor or indigent patients shall be a county, city or town charge, as the case may be. Pay patients shall be admitted if there is room in the hospital, but preference shall be given to indigent patients. The trustees shall fix the charges to be paid by pay patients. Charges for free patients shall not exceed five dollars per week.

North Carolina. (Chapter 964, 1907, as amended Chapter 845, 1909.) The act establishes the North Carolina sanatorium for the treatment of persons afflicted with tuberculosis. A board of directors of twelve members shall be appointed by the general assembly. The superintendent shall be a skilled physician. He shall appoint the subordinate officers and employees. The board shall make an annual report to the governor and the general assembly. The act carries an annual appropriation of five thousand dollars besides the appropriation of fifteen thousand dollars for the establishment of the sanatorium.

North Dakota. (Chapter 137, 1909.) The North Dakota Tuberculosis Sanatorium is established by the act. Ten thousand dollars is appropriated.

Ohio. (General Code 1910, Sections 2052 to 2072.) The Ohio state sanatorium for incipient cases is established. Patients shall be apportioned among the several counties in proportion to their population. The governor, with the advice and consent of the senate shall appoint a board of trustees of five members. The board shall appoint a superintendent and other necessary em-

ployees. The charges shall be five dollars each week. The trustees may accept a limited number of suitable patients, not to exceed two per cent of the total capacity, for any sum less than five dollars per week. All patients admitted shall be received upon probation for a period of four weeks. If they are suitable cases for sanatorium treatment they shall be regularly admitted. Compensation for outdoor work done by patients shall be deducted from the weekly charge. The superintendent shall make monthly reports to the auditor of state.

Pennsylvania. (Number 157, 1907.) The department of health with the approval of the governor, shall establish one or more sanatoria or colonies for the reception and treatment of indigent persons affected with incipient tuberculosis, and those so far advanced with the same disease, that may be made comfortable, and removed from their families and the people at large to prevent the spread of tuberculosis. Six hundred thousand dollars is appropriated.

(Number 673, 1907.) Four hundred thousand dollars is appropriated to enable the department of health to establish and maintain dispensaries for the free treatment of indigent persons affected with tuberculosis, for the dissemination of knowledge and for the study and experiment of the disease.

By the last report one hundred and fifteen dispensaries have been established.

(Number 518, 1909.) Fifteen thousand dollars is appropriated to the Tuberculosis League, Pittsburg.

Rhode Island. (General Laws, 1909, Chapter 112.) The governor with the advice and consent of the senate shall appoint a board of trustees for the state sanatorium of

five members only, one of whom shall be a physician. The board shall appoint all physicians and other employees. Patients who are able to pay for their support shall pay at a rate to be determined by the board. The board of such patients as have a legal settlement in some city or town shall be paid by that city or town, if the patients are received on the request of the overseers of the poor of the city or town. The board may receive other indigent patients whose board shall be paid by the general treasurer. The board shall fix the charges for board. The board shall make an annual report to the general assembly.

South Dakota. (Chapter 68, 1909.) The act establishes a sanatorium and farm for persons afflicted with tuberculosis and for the study of the disease. Ten thousand dollars is appropriated for the building and five thousand dollars annually for maintenance.

Virginia. (Chapter 361, 1908.) The state board of health shall begin the erection of temporary or permanent buildings or camps for the treatment of the tubercular patients in the state at a minimum expense to the patient.

Forty thousand dollars is appropriated annually for the above and other provisions of the act.

Wisconsin. (Statutes, Supplement, Sections 1421—1 to 1421—8 as amended by Chapter 442, 1909.) The act establishes the Wisconsin state tuberculosis sanatorium for the treatment of pulmonary tuberculosis, especially for cases in the incipient stages of the disease. The advisory board shall consist of five members appointed by the governor, at least two of whom shall be physicians and another a member of the state board of health. The board shall make a biennial report to the state board of



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control. The board of control shall appoint the superintendent. Subject to the approval of the board of control the superintendent shall appoint medical assistants and other employees. The superintendent and board of control shall determine the sum to be paid by pay patients. Only incipient or slightly advanced cases shall be received. Each county shall be charged with the maintenance of indigent patients whose application has been approved by the county judge of that county. Such charge shall be five dollars per week. Any person who may be unable to pay the full charge of maintenance may be received upon payment of the amount charged for county patients.

LAWS RELATIVE TO EXPECTORATION.

California. (Chapter 82, 1907.) It shall be a misdemeanor for any person to discharge mucus from the nose or mouth or spit upon any sidewalk, of any public street or highway or upon any part of any public building or vessel or vehicle used for the transportation of the public.

Connecticut. (Chapter 166, 1909.) No person shall spit on the paved walk of any public street, park or square or upon the floor of any hall or office in any hotel, restaurant, apartment house, tenement or lodging house which is used in common by the guests or tenants thereof or upon the floor, platform, steps, or stairs of any public building, church, theater, railway station, store or factory or street car or other conveyance. Penalty, one to five dollars or not more than thirty days, or both.

Delaware. (Chapter 253, 1907.) Spitting on the

floor in any public conveyance or car upon any railway operating by any other power than steam shall be a misdemeanor. Penalty, five or not more than ten dollars.

Kansas. (Chapter 122, 1909.) No person shall spit upon any part of any theater, public building, or public conveyance or any sidewalk. Spittoons shall be provided in theaters and public buildings and when requested, in smoking cars. The dry sweeping of railroad coaches or cars on electric or interurban lines, while in transit and containing passengers, is prohibited. Fine, one to five dollars.

Louisiana. (Chapter 91, 1908.) Any person who shall spit upon the floor or walk of any passenger car, street car, depot, or waiting room or any public building whatever, shall be deemed guilty of a misdemeanor. Fine, five to twenty-five dollars. Railroad companies shall supply every passenger car and depot or waiting room with spittoons and keep them in a sanitary condition. They shall post notices, worded as follows: "Spitting upon the floor and walk forbidden under penalty of the law." The police jury of each parish shall have the same duties in relation to the court house of that parish.

Maine. (Chapter 76, 1909.) No person shall expectorate on any public sidewalk, street crossing or cross walk, or upon the floor in any city or town hall, or court house, in any factory, public library or museum, church, theater, lecture or music hall, ferry boat or steam boat, in any railroad car, (except smoking car), street or interurban railway car, railway station, or on any side track or platform connected therewith. Fine, not more than twenty dollars.

Maryland. (Article 27, Section 238, Public General Laws, 1904.) It shall be unlawful to expectorate on the floor or any part of a railroad or passenger car. Fine, three and one half dollars, one half of which shall go to the informer or party giving evidence. Conductors and brakemen shall be empowered to arrest and take before a justice of the peace any offender. Smoking cars in which no cuspidors are provided are exempt from the operation of the law.

Massachusetts. (Chapter 410, 1907.) The Maryland and Massachusetts expectoration laws are similar but Massachusetts makes provision, that an offender may be arrested by an officer authorized to serve criminal process in the place where the offence is committed and kept in custody until he can be taken before a court which has jurisdiction of such offence; and, if his name is unknown to the officer, he may be arrested without a warrant.

(Chapter 104, Section 41, Revised Laws, Supplement.) Cuspidors shall be provided in all factories and workshops, in such form and number as shall be satisfactory to the local board of health.

Michigan. (Act 210, Public Acts, 1909.) Expectoration is prohibited in any railroad, passenger or street railway car, in any passenger station or public waiting room. The law does not apply unless placard is posted and cuspidors furnished.

New Hampshire. (Chapter 2, 1903.) It shall be unlawful for any person to spit upon any sidewalk, in the compact part of any city, village or town, or in any railway station, hall or public place, or in any street or steam railway car other than smoking cars, except into

receptacles provided for that purpose. These receptacles shall be kept clean and wholesome. Fine, not exceeding ten dollars.

New Jersey. (Chapter 260, 1903.) Any person who shall spit on any part of any railroad or railway passenger car shall be deemed to be a disorderly person; this shall not apply to smoking cars when these are not provided with cuspidors.

(Chapter 204, 1910.) Any person who shall spit on any part of any trolley passenger car shall be deemed to be a disorderly person. Fine, not more than ten dollars.

Rhode Island. (Title XV, Chapter 110, Section 33. General Laws, 1909.) No person shall spit upon any part of any public conveyance, not exclusively devoted to smoking, or of any shop, store, hall, church, school-house, railroad station or other public building, or in the hallways of any private office building, except into suitable receptacles provided for that purpose. Fine, not exceeding twenty dollars.

Tennessee. (Chapter 594, 1907.) The proprietor or manager of any building where business with the public is conducted, and the owner of steam railway passenger coaches, shall provide cuspidors and keep them disinfected to meet the approval of the local board of health, in the former and of the state board of health in the latter case. It shall be unlawful to spit upon any part of these buildings, public buildings, street cars or steam railway passenger coaches. The proprietors, managers or owners shall post the notices prescribed and supplied by the state or local board of health. Penalty for spitting as provided above, fine, two to five dollars; general

penalty, fine, ten to twenty dollars, or imprisonment in the county jail for not more than three months or both.

Vermont. (No. 70, 1902.) If a person shall spit upon any part of a steam railroad, passenger car or street railway car or upon any part of any railroad passenger station or public waiting room he shall be fined not more than ten dollars, provided that no prosecution shall be commenced unless notice of the provisions of this act is posted and suitable cuspidors furnished, excepting in street railway cars.

(No. 187, 1906.) A person who expectorates on a public sidewalk or in a public building, except in receptacles provided for the purpose, shall be fined not more than ten dollars.

Virginia. (Chapter 302, 1906.) No person shall spit upon any part of any theater, public building, or public conveyance, or upon any public sidewalk of any town or city. The owner or lessee of every theater, public hall, or building shall provide cuspidors. Every railroad or steamship company shall provide cuspidors in each smoking car when so requested. Copies of this act shall be posted in all public buildings and railway and street cars. Penalty, fine of from one to five dollars, together with costs and in default of payment, imprisonment in city or county jail for not more than five days.

DISSEMINATION OF KNOWLEDGE CONCERNING TUBERCULOSIS.

California. (Chapter 242, 1909.) The state board of health shall disseminate knowledge concerning tuberculosis, its danger, means of prevention and cure. Two thousand dollars is appropriated.

Connecticut. (Chapter 120, 1909.) The board of directors (for county homes) shall take measures to cause instruction to be given in all schools of the state on the suppression of tuberculosis and the maintenance of public health, and to that end it may publish tracts and leaflets. The board shall encourage the giving of public addresses and the formation of local organizations to further that end.

Iowa. (Chapter 147, 1907.) Five thousand dollars is annually appropriated for the collection and dissemination of information regarding tuberculosis.

Massachusetts. (Chapter 181, 1908.) In each of the subjects of physiology and hygiene, special instruction as to tuberculosis and its prevention shall be taught as a regular branch of study to all pupils in all schools which are maintained wholly or in part by public money, except schools which are maintained solely for instruction in particular branches.

(Chapter 65, Resolves 1910.) One thousand dollars is appropriated for the formation of small travelling school tuberculosis exhibits to be used in the public schools for purposes of instruction in hygiene and the prevention of tuberculosis.

Montana. (Chapter 27, 1909.) There shall be taught in every public school the principal modes for the prevention of certain diseases including tuberculosis. Data and statements shall be supplied by the state board of health.

New Jersey. (Chapter 12, 1910.) Ten thousand dollars is appropriated annually to be available by the state board of health for educational and practical purposes in the study, treatment and prevention of tuberculosis by

(1) publication and distribution of literature, (2) creation and maintenance of a state tuberculosis exhibit, (3) and in the maintenance of a special tuberculosis inspector or inspectors, to be appointed by the state board of health whose duties shall be to enforce existing laws concerning registration of tuberculous cases, to advise local boards of health concerning disinfection, to inspect hospitals and sanatoria treating tuberculosis patients and to report on the same to the state board of health, and to perform such other duties as may be ordered by the state board.

MISCELLANEOUS PROVISIONS.

Connecticut. (Section 2570, General Statutes, 1902, as amended by Chapter 120, 1909.) No employer shall permit any person afflicted with pulmonary tuberculosis to work in any factory for the preparation of food stuffs, tobacco and cigars. If the factory inspector suspects that an operator has pulmonary tuberculosis, he shall have authority to cause an examination to be made.

Massachusetts. (Chapter 537, 1907.) The governor shall appoint in each health district one state inspector of health. He shall gather all information possible concerning the prevalence of tuberculosis, shall disseminate knowledge as to the best methods of preventing its spread and shall take such steps as shall be deemed advisable for its eradication.

(Chapter 428, 1910.) The state board of health may prohibit the use of common drinking cups in such public places, vehicles or buildings as it may designate.

Missouri. (Revised Statutes, Section 7866.) No employer shall knowingly permit any person to work in his

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bake or confectionery shop who is affected with tuberculosis.

New Jersey. (Chapter 47, 1909.) Physicians shall report to the state board of health within twelve hours cases of tuberculosis on any dairy premises where milk is produced for sale.

North Carolina. (Chapter 567, 1907.) Prisoners in county or state prisons who are affected with tuberculosis shall be confined in separate cel's, rooms or places. These shall be used only for this purpose.

Ohio. (Page 319, 1910.) The board of education in any city school district may establish such special elementary schools as it deems necessary for youth of school age who are afflicted with tuberculosis and may cause all youth, within such district so affected, to be excluded from the regular elementary schools, and may provide for and pay from the school fund, the expense of the transportation of these to and from the special schools.

Utah. (Compiled Laws, Section 746x19.) It shall be unlawful for any person affected with tuberculosis to be employed in any bakery, hotel, or restaurant as cook, or waiter, or in any other capacity that requires the handling of food.

BOVINE TUBERCULOSIS.

Connecticut. (General Statutes, 1902, Section 2591.) The sale of milk from a cow affected with tuberculosis is prohibited.

Delaware. (Chapter 122, 1909.) The importation of dairy cows and other cattle for breeding purposes is pro-

hibited unless they have been subjected to the tuberculin test.

Kansas. (Chapter 169, 1909.) The live stock sanitary commissioner when he believes or receives notice that tuberculosis exists in any of the domestic cattle of the state, shall make investigation and if necessary call upon the professor of veterinary science of the State Agricultural College at Manhattan, who, himself or thru a competent veterinarian, shall make an examination. The tuberculin test may be used. The decision of the professor or of the state veterinarian shall be final. The commissioner shall quarantine and brand or mark all infected animals until disposed of. The owner of any such animals may sell them subject to post mortem inspection, or sell them as diseased animals under federal or state inspection, or deliver them to the live stock sanitary commissioner in consideration of an order on the county board for fifty per cent of their appraised value if they were not diseased. The appraisement shall not exceed fifty dollars for each pure bred and registered animal and thirty dollars for grade or common cattle. The appraisement shall be made by the commissioner, or his deputy, and the owner. If they cannot agree the chairman of the county board or some one appointed by him shall act as a third appraiser. The commissioner is authorized to sell animals turned over to him for slaughter. The proceeds he shall turn over to the treasurer of the county. The owner shall disinfect the premises at his own expense. Fine, twenty-five to one hundred dollars.

Cities are authorized to require the examination and test for tuberculosis, under the direction of the commissioner, of cows from which milk is supplied to the cities.

Maine. (Revised Statutes, Chapter 19.) Upon the discovery of the existence of tuberculosis the Maine Cattle Commission shall establish such quarantine of animals, premises and localities as it may deem necessary to prevent the spread of the disease. The commissioners shall cause the appraisal of the animals affected with the disease and shall cause the same to be destroyed. The appraised value of an animal with pedigree shall not exceed one hundred dollars and of an animal without pedigree, fifty dollars. The transportation within the state or into the state of animals affected with tuberculosis is forbidden. The carcasses of animals killed under the provisions of this law shall be treated by injection with kerosene oil. The carcasses shall further be buried or reduced for fertilizer.

(Chapter 133, Public Laws, 1910.) All pure blood or registered and all grade cattle shown in competition for prizes at state agricultural shows shall be tested with tuberculin by the cattle commission. The cattle commission shall cause tuberculin tests to be made at the expense of the state, when owners of cattle make application for the same. All grade cattle slaughtered under orders of the commission shall be paid for at the appraised value out of the funds appropriated for the use of the commissioners. The commissioners shall disinfect the stables where diseased cattle have been kept. The owner of cattle shipped to the quarantine station at Brighton, there tuberculin tested and condemned, shall be entitled to receive not to exceed fifty dollars for each animal, but the amount received for the sale of such part of the animal as may be sold shall be deducted from the

appraised value. One hundred thousand dollars is appropriated.

Maryland. (Chapter 365, 1908.) The importation of dairy cows and meat cattle for breeding purposes is prohibited, excepting when they have been tuberculin tested by the proper authorities in the state from which the cattle came. In lieu of the above the cattle may be examined at the owner's expense at stock yards near the state line, or they may be shipped to their destination and there quarantined until properly examined at the owner's expense and released by the state live stock sanitary board.

Massachusetts. (Revised Laws, Chapter 90.) The board of cattle commissioners or any one of its members or agents may kill cattle afflicted with tuberculosis. The full value thereof at the time of condemnation, not exceeding forty dollars for any one animal, shall be paid to the owner by the commonwealth. Animals brought into the state which, in the opinion of the board, are infected may be seized and quarantined and, if safety so requires, may be killed without appraisal or payment. Animals believed to be diseased may be quarantined. If the owner cannot agree with the commissioner as to the value of an animal the value shall be determined by arbitrators. Tuberculin shall be used only upon cattle brought into the commonwealth and upon cattle at Brighton, Watertown and Somerville; but it may also be used on any animal in any other part of the commonwealth with the consent of the owner and upon animals which have been condemned as tuberculous upon physical examination by a veterinary surgeon.

(Amendment Chapter 322, 1903.) Such tests by the use of tuberculin shall be made without charge to citizens of the commonwealth, and in all other cases the expense of such tests shall be paid by the owner of such animals.

Michigan. (No. 172, Pub'ic Acts, 1909.) In case of the killing of tuberculous cattle as directed by the state live stock sanitary commission, it shall appraise the animals condemned. The owner shall receive fifty per cent of the value of the animal as though not diseased, such per cent in no case to be reckoned on a sum over fifty dollars, provided that premises have been kept in sanitary condition, nor shall they receive compensation until the infected premises have been disinfected. The commission shall have power to order the slaughter, under federal inspection, of cattle that have reacted to the tuberculin test.

If the cattle are not condemned the owner shall receive the proceeds less the cost of shipping, etc.,

If the cattle are condemned the owner shall receive the proceeds from the sale of the hide, tallow, etc., after deducting the cost of handling, etc., in addition to the above mentioned fifty per cent of the appraised value. The importation of cattle into the state is prohibited unless tuberculin tested sixty days prior to shipment.

Minnesota. (Revised Laws, Chapter 30.) When a veterinarian appointed by the state live stock sanitary board has inspected cattle for tuberculosis and has pronounced them diseased they shall be killed. Appraisers appointed by the state board and owners shall fix the value of the cattle. The value of the carcass shall be deducted from that of the living animal, and three-fourths of the remainder shall be paid to the owners by

the state, provided that the appraised value shall not exceed thirty-five dollars.

(Chapter 355, 1907.) It shall be unlawful for any transportation company to bring into the state any cattle unless they have been examined and found free from tuberculosis by the proper authorities of the state from which they are shipped, or by a veterinarian of the United States bureau of animal industry or by a veterinarian acting under the direction of the live stock sanitary board of this state. In any case where cattle are brought into the state without examination transportation companies shall hold the cattle at the first station within Minnesota where there are suitable facilities for inspecting them. This inspection shall be made at the expense of the owner.

(Chapter 445, 1909.) The board shall furnish tuberculin and mallein among licensed veterinarians regardless of whether such are graduates of a veterinary college or not. The board shall keep record of all applications.

Montana. (Revised Codes. Sections 1884 to 1903.) Animals determined by either the state veterinary surgeon or a deputy to be affected with tuberculosis may be slaughtered. No animals of this class shall be paid for, save when a mistake as to the existence of a slaughterable disease is discovered upon autopsy. The valuation shall not exceed the following: For common bloods, not exceeding thirty-five dollars, for any male animal, four years old and upwards, and for any female animal four years old and upwards, not exceeding twenty-five dollars and proportionately less for lesser ages. For graded stock, not exceeding forty dollars for any male animal four years old and upwards, and for any female animal

four years old and upward not exceeding thirty-five dollars, and proportionately less for lesser ages. And for all full bloods, for any male animal four years old and upwards not exceeding one hundred dollars, and for any female animal four years old and upward not exceeding seventy-five dollars and proportionately less for lesser ages.

New Jersey. (Chapter 317, 1894, as amended by chapter 148, 1898, and chapter 80, 1901.) Whenever the state tuberculosis commission shall be requested by the secretary of the state board of health or the dairy commissioner or any owner of dairy animals, it shall designate a person to inspect the animals supposed to be diseased with tuberculosis. If these cannot agree on a valuation each shall choose one disinterested freeholder, who shall choose a third and these shall appraise the value of the animals. If the animal is slaughtered the owner shall receive three-fourths of the appraised value, but the appraised value shall not exceed forty dollars.

New York. (Consolidated Laws, Agricultural Law, Sections 93, 94, 64-a.) The commissioner of agriculture may have tuberculous animals killed if found so by physical examination. The tuberculin test may be applied if the owner desires. If the animal responds the commissioner shall cause it to be slaughtered or held in quarantine. If it is held in quarantine the milk may be used if pasteurized. The young of such animals shall be separated from the mothers, but they may be fed the pasteurized milk. Upon the application of the owner of a herd of cattle and his agreement to improve faulty sanitary conditions, to disinfect his premises should tuberculosis be found and to follow the instructions of the commis-

sioner, the commissioner shall cause the herd to be examined. No person shall sell any animal known to have a communicable or infectious disease except for immediate slaughter unless such sale be made under a written contract signed by both parties, specifying the disease of the animal. One copy shall be filed with the commissioner of agriculture. Any person making a tuberculin test shall report the results to the commissioner of agriculture. No certificate shall be given unless the character of such test is stated, and unless it failed to give a proper reaction. Tubercular bovine animals shall be branded on the forehead or on the right side of the neck from six to ten inches back of the jaw bone with a capital "T" not less than two inches high, one and one half inches wide, with a mark one fourth of an inch wide. If the animal reacted to the tuberculin test and appears physically sound it may be retained for breeding or dairy purposes without such branding, but a description of the animal must be furnished to the commissioner of agriculture, and the animal cannot be removed without the written permission of the commissioner. Persons selling or giving away tuberculin shall report the amount sold or given away to the commissioner of agriculture. No person shall treat bovine animals so as to prevent normal reaction. No animal that has reacted to the test shall be sold or removed without permission in writing from the commissioner. No person shall sell or offer for sale an animal that has responded to the test without giving this information to the buyer.

(Consolidated Laws, Agricultural Law, Sections 99 to 102, as amended by Chapter 670, 1910.) An appraiser appointed by the commissioner of agriculture, shall deter-

mine the value of the animal to be slaughtered, but the appraised value shall not exceed seventy-five dollars, except in the case of registered thoroughbred animals, when it shall not exceed one hundred and twenty-five dollars. In case of dispute arbitrators shall be selected to decide. If the animal is found to have localized tuberculosis the owner shall be paid eighty per cent of the appraised value, if generalized tuberculosis, fifty per cent. If the meat of the slaughtered bovine animal shall be passed for use as food, under official regulation, the commissioner is authorized to sell the same and the proceeds shall be paid into the state treasury.

North Dakota. (Chapter 160, 1909.) Cattle that have been proven to be tubercular by the tuberculin test after having been tested by a legally qualified and duly authorized veterinary surgeon or the owner of such cattle or his agent shall be immediately marked by punching the letter "T" in the left ear, the letter not to be less than one inch in height and breadth. Penalty, fine of from ten to fifty dollars or confinement in the county jail from ten to twenty days or both.

Oregon. (Chapter 213, 1909.) The state or county veterinarian is empowered to kill animals afflicted with a dangerous or incurable disease, provided that tuberculosis be not considered a slaughterable disease, unless the animal shows visible symptoms of the disease. No animal shall be tested with tuberculin unless request is made by the owner. The importation of no cattle for breeding or dairy purposes shall be permitted unless they shall be accompanied by a certificate of a tuberculin test made by an employee of the United States Bureau of Animal Industry or by any other approved veterinarian,

showing that they are free from tuberculosis or unless the cattle be tested with tuberculin by the proper officer within ten days after arrival within the state. The state veterinarian or county veterinarian shall test all cows that supply milk to state institutions, at least once a year. If they react to the tuberculin test the sale of the milk shall be prohibited and the animals removed from the dairy herd. Officers of such institutions shall report every six months the names of persons supplying milk to these institutions. Every veterinarian practicing shall report to the state veterinarian or the state board of health all cases of tuberculosis he may find.

Pennsylvania. (Purdons Digest, Page 1259.) The importation of dairy cows and meat cattle for breeding purposes is prohibited, excepting when they are accompanied by a certificate from the proper authority in the state whence the cattle came, certifying that they had been subjected to the tuberculin test and are free from disease. In lieu of this certificate the cattle may be detained at suitable stock yards nearest to the state line and there examined at the expense of the owner, or they may be shipped to their destination, there to remain in quarantine until properly examined at the owner's expense, and released by the state live stock sanitary board.

Rhode Island. (General Laws, Chapter 120.) Whenever an animal is suspected by either of the cattle commissioners to be affected with tuberculosis, the commissioner of the county shall notify the secretary of the state board of agriculture who shall fix a day when the appraisers shall appraise the animal. If it is affected the animal shall be killed, and the state shall pay the owner one half of the appraised value; if it is not affected the

state shall pay the full appraised value. The cattle commissioners of the counties shall see that the premises be cleaned and disinfected. A person shipping cattle into the state must produce a certificate that the animal is free from tuberculosis as determined by a physical examination and tuberculin test. If the importer has no certificate he shall give a written notification and description of the animals to the commissioner of the county who shall make a physical examination and if necessary apply the tuberculin test. If the animal responds it shall be slaughtered, and no compensation shall be made by the state. If upon slaughter no affection is shown the owner shall receive the full appraisal value.

Utah. (Compiled Laws, Section 746.) No person selling or furnishing milk or dairy products shall have in his possession, at any place where milch cows are kept, any cattle having tuberculosis. The dairy and food commissioner shall cause all cattle, kept in violation of this act, to be killed.

Vermont. (Number 163, 1908.) All cattle brought into the state shall be examined by the cattle commissioner. He shall if he deems necessary apply the tuberculin test. Those found diseased shall be deported or slaughtered. The owner of diseased cattle shall notify the commissioner who shall make a physical examination, and if necessary he may apply the tuberculin test. If the animals are affected he shall cause them to be killed or disposed of. Whenever the cattle commissioner has reason to believe that tuberculosis exists in any herd he may order a thorough examination and, if necessary, apply the tuberculin test. The same proceedings shall apply as in the case above. All barns in which diseased

animals have been kept shall be disinfected at the owner's expense. The expense of the slaughtering and disinfecting shall be paid by the owner. The value of cattle condemned shall be appraised by the owner and the commissioner and if they cannot agree a third party shall be selected. The appraised value shall not exceed fifty dollars. The owner shall receive seventy-five per cent of the appraised value, and in addition, the hide of the slaughtered animal. The commissioner may dispose of animals affected with tuberculosis at some fertilizer or rendering plant or at any place where they are inspected under federal authority. The proceeds of the sale of the carcass shall go to the state. If a person ships milch cows to Massachusetts, subject to the tuberculin test, and if the cows respond to the test and the Massachusetts board of cattle commissioners condemns or refuses to accept them, he may sell them at the highest price obtainable under the Massachusetts regulations. The cattle commissioner of this state shall then draw an order for a sum equal to seventy-five per cent of the purchase price of such animals, less the amount received for them in Massachusetts; but this shall not be reckoned on more than fifty dollars for each animal. Any resident of this state who slaughters an animal for human consumption and finds after slaughter that it is tuberculous may notify the cattle commissioner, who, after an examination, shall draw an order in favor of the owner for the sum of seventy-five per cent of the appraised value thereof; the appraised value shall not exceed fifty dollars.

The commissioner shall have an ear tag inserted in the ear of every animal that was tuberculin tested under

the provisions of this act and passed the test satisfactorily.

Forty thousand dollars is appropriated annually.

Virginia. (Chapter 335, 1910.) Under the direction of the live stock sanitary board and the state dairy and food commissioner, the state veterinarian and the veterinarian of the Virginia experiment station shall apply the tuberculin test to breeding or dairy cattle if the owners so request. If the animal reacts it shall be surrendered to the state. The owner shall receive a sum not to exceed forty dollars, but if it a pure-bred and registered animal, unless segregated under the Bangs method, the owner shall receive not to exceed eighty dollars. The dairy and food commissioner shall make an annual report of examinations and tests made.

West Virginia. (Code 1906, Sections 368, 371, 372.) The state veterinarian may kill animals affected with tuberculosis if he finds it necessary or expedient to prevent a spread of the disease. The disinterested persons shall appraise the value of the animals. The owner shall receive the full appraised value.

Wisconsin. (Chapter 542, 1909.) When the live stock sanitary board shall deem it necessary to slaughter a diseased animal the owner and three disinterested citizens shall appraise the value thereof. The appraised value shall not exceed fifty-five dollars. In case of tuberculosis the live stock sanitary board may ship the animal at the expense of the state to some abattoir to be killed under federal inspection. The net proceeds of such sale shall go to the state. If the animal reacts to the tuberculin test, but no lesions are found upon slaughter, the owner shall receive the full amount of the ap-

praisal; the owner shall receive three-fourths for all other animals so slaughtered. It shall be unlawful to sell any cow, bull or heifer of the bovine family, over six months old, unless to be exported or slaughtered, if it has not been tuberculin tested and found to be free from tuberculosis by the proper authorities within two years prior to the sale. The evidence of such test shall accompany the animal.

(Chapter 304, 1907.) Any person who shall use tuberculin or any other agent upon cattle for the purpose of preventing a proper reaction when the tuberculin test is made shall be guilty of a misdemeanor and subject to the penalty of a fine of from two hundred to five hundred dollars or imprisonment for six months to one year or both.

(Chapter 272, 1905, as amended by Chapter 542, 1909.) No cattle shall be brought into the state for other purposes than to be slaughtered, unless they are accompanied by a certificate showing that the cattle were subjected to the tuberculin test within six months prior to the shipment and were free from tuberculosis. In lieu of such an inspection certificate the cattle shall, upon request of the owner, be shipped in quarantine into the state to be examined, at the expense of the owner, by an inspector appointed by the live stock commission. If cattle are brought into the state for breeding or dairy purposes without a certificate of inspection the railroad company and the owner shall notify the secretary of the live stock sanitary board at Madison, Wisconsin, and these cattle shall be examined by an inspector, at expense of the owner or shipper. The owner may re-ship affected animals. The owner or shipper shall receive no indemnity if cattle are slaughtered.

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EXPENDITURES FOR TUBERCULOSIS WORK IN 1910.¹

State.	Public.	Private.	Total.
Alabama.....	\$2,000	\$5,500	\$7,500
Alaska.....		1,000	1,000
Arizona.....	4,000	75,000	80,000
Arkansas.....	68,000	1,000	69,000
California.....	88,000	316,000	404,000
Colorado.....	105,000	731,000	836,000
Connecticut.....	338,500	167,500	506,000
Delaware.....	15,500	18,000	33,500
District of Columbia.....	41,000	8,500	49,500
Florida.....	500		500
Georgia.....	54,500	46,500	101,000
Hawaii.....	6,000	9,000	15,000
Idaho.....			
Illinois.....	245,000	208,000	453,000
Indiana.....	157,000	48,000	205,000
Iowa.....	119,500	11,500	131,000
Kansas.....	10,500	1,500	12,000
Kentucky.....	127,000	42,000	169,000
Louisiana.....	16,000	62,000	78,000
Maine.....	62,000	54,000	116,000
Maryland.....	130,500	95,000	225,500
Massachusetts.....	1 118,000	400,000	1,518,000
Michigan.....	86,000	85,000	171,000
Minnesota.....	126,000	65,000	191,000
Mississippi.....	5,000	500	5,500
Missouri.....	200,000	35,000	235,000
Montana.....	100	400	500
Nebraska.....	1,000	1,000	2,000
Nevada.....			
New Hampshire.....	23,000	7,000	30,000
New Jersey.....	255,000	130,700	385,700
New Mexico.....	250,000	251,000	501,000
New York.....	3,039,000	1,208,000	4,245,000
North Carolina.....	42,000	168,000	210,000
North Dakota.....		1,000	1,000
Ohio.....	573,500	76,000	649,500
Oklahoma.....	1,500	300	1,800
Oregon.....	56,000	25,550	81,550
Pennsylvania.....	1,431,000	673,000	2,104,000
Philippine Islands.....	20,000	100	20,100
Porto Rico.....	23,300	5,000	28,300
Rhode Island.....	91,500	51,500	143,000
South Carolina.....	1,000	6,700	7,700
South Dakota.....	10,000	15,000	25,000
Tennessee.....	16,500	54,000	70,500
Texas.....	46,000	122,000	168,000
Utah.....			
Vermont.....	2,000	20,500	22,500
Virginia.....	45,500	55,500	101,000
Washington.....	13,000	73,000	86,000
West Virginia.....	1,100	2,500	3,600
Wisconsin.....	210,000	99,000	309,000
Wyoming.....	400		400
Total.....	\$9,267,900 ²	\$5,532,250	\$14,800,150

¹ Journal of Outdoor Life, January, 1911, Philip P. Jacobs.² This includes not only state appropriations but the expenditures from all public sources.

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The following table gives the amount in each group for 1909 and 1910:

Class.	Money spent in 1910.	Money spent in 1909.
Sanatoria.....	\$11,378,500	\$5,300,000
Associations.....	790,500	975,000
Dispensaries.....	889,000	650,000
Municipal work.....	1,055,000	1,115,000
State work.....	719,000
Total.....	\$14,800,000	\$8,180,000

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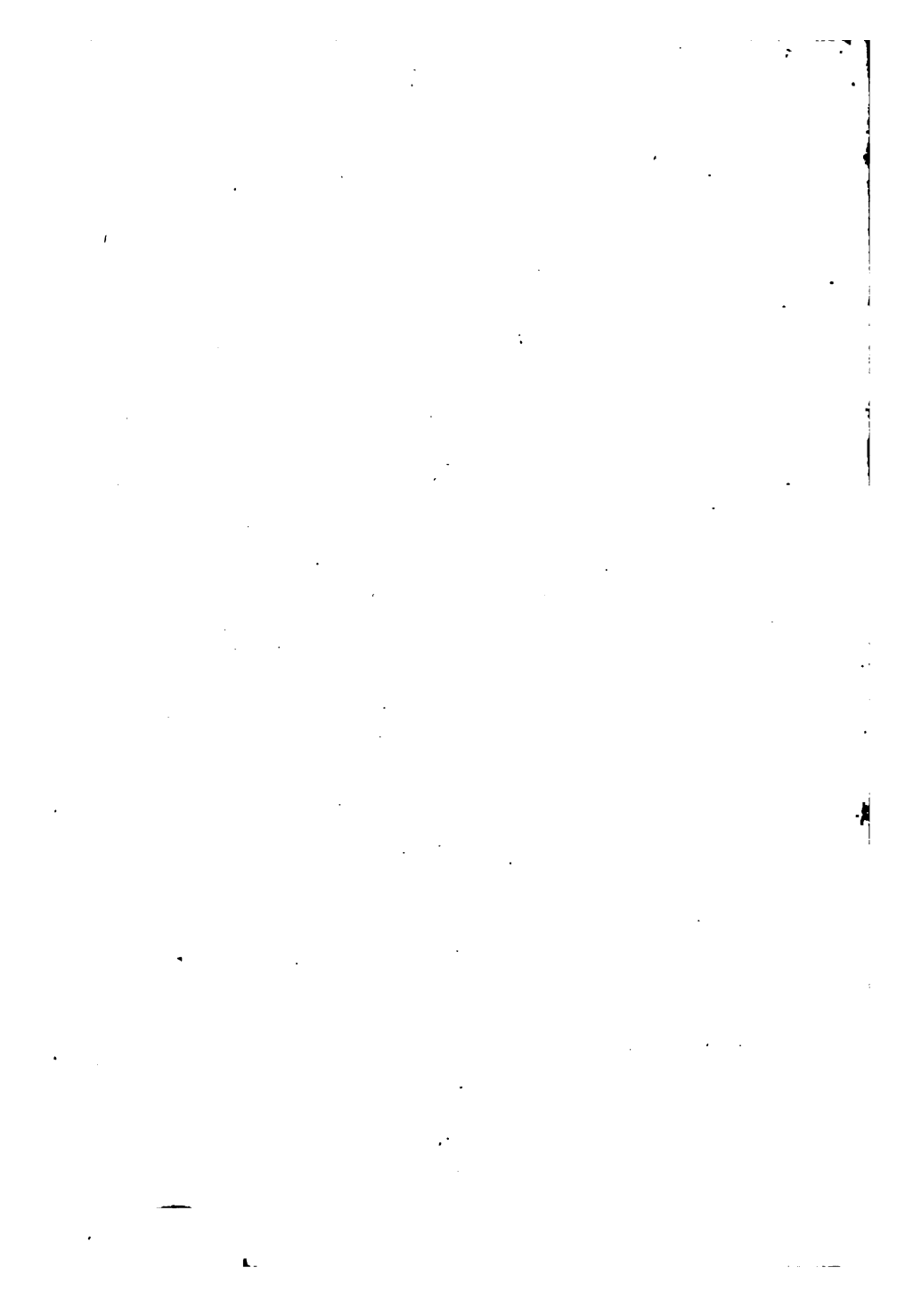
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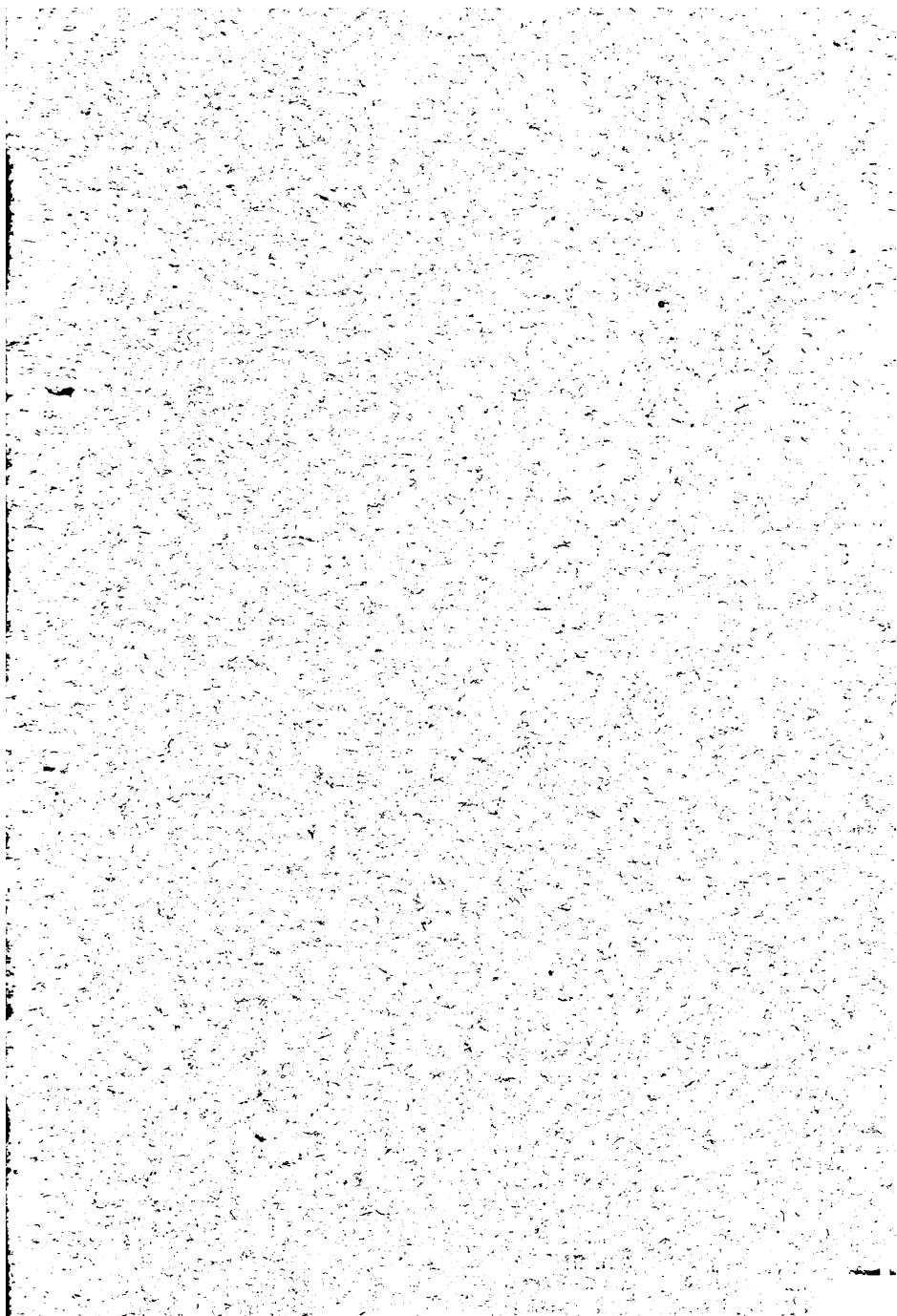
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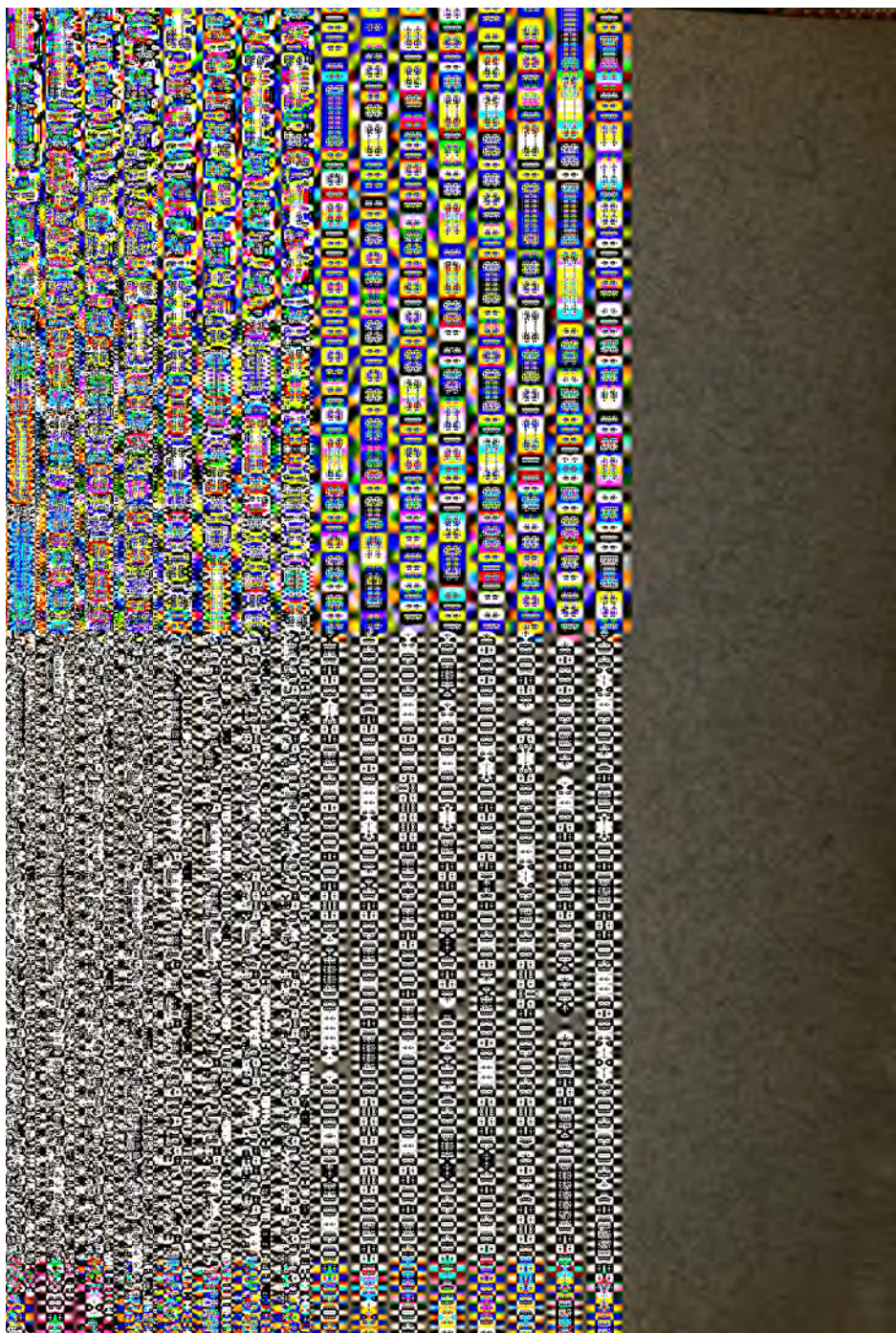
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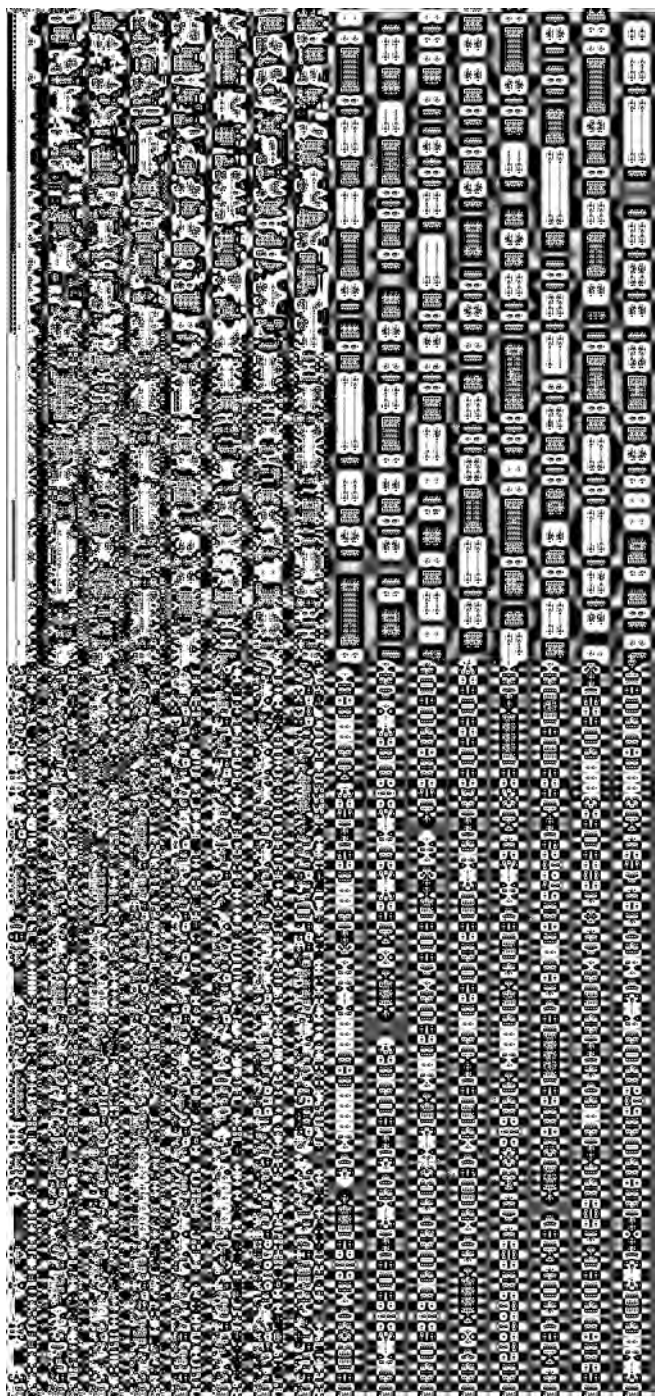
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RENDUM





THE INITIATIVE AND REFERENDUM STATE LEGISLATION

CHAS. HOMER TALBOT

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Includes a succinct exposition of the value of the initiative and referendum as reserved powers in obtaining genuinely representative government.

HISTORY.

The "Initiative" and the "Referendum" are new terms for old institutions.

The *initiative* may be defined as the power the people reserve to themselves to propose ordinances and laws and amendments to their charters and constitutions, and to enact or reject the same at the polls. And the *referendum* may similarly be defined as the power the people reserve to themselves to approve or reject at the polls any ordinance or act passed by their legislative assemblies.

The initiative and referendum as applying to local and state legislation and state constitutional amendments have been widely adopted in the United States. The referendum has also been applied to federal laws and constitutional amendments, and the initiative to federal constitutional amendments, in Switzerland.

This bulletin confines itself almost exclusively to the state-wide initiative and referendum in the United States.

The forms of the referendum may be described as obligatory or optional in their operation upon the electorate, and as advisory or mandatory in their operation in the enactment of laws.

Under the obligatory referendum a law *must* be submitted to the people; and under the optional referendum

a law is submitted only upon petition by a certain number or percentage of the voters.

Under the mandatory referendum, the direct vote of the people is final and conclusive in the enactment of legislation. Under the advisory system, the voters can instruct their representatives by direct vote; but to make the system effective it is necessary to pledge representatives to obey the will of their constituents as expressed by referendum vote.

Public opinion laws merely secure the expression of public opinion upon questions of public policy.

Early uses of direct legislation

Local legislation.

The Swiss Landsgemeinde illustrates an early use of direct legislation in local affairs. The old New England town meeting, where measures were proposed and adopted or rejected at the will of the electors, affords another typical example of local direct legislation.

The state-wide initiative and referendum.

The state-wide referendum for the adoption of state constitutions is a familiar institution in the United States.

The first constitution submitted to a direct vote of the people was that proposed by the General Court of Massachusetts in 1778.

At the present time Delaware is the only state in the Union in which a referendum is not required for the adoption of constitutional amendments.

The right to instruct.

The right to instruct representatives was commonly exercised in the early constitutional history of this country.

The constitution of Massachusetts, adopted in 1780, expressly asserts the right of the people "to give instructions to their representatives." (Part the First, art XIX.) In 1783 the instructions from Boston ran: "It is our unalienable right to communicate to you our sentiments; and when we shall judge it necessary or convenient, to give you instructions on any special matter, and we expect you will hold yourselves at all times bound to attend to and observe them."

For other instances of the express reservation of the right to instruct, see the Const. of Pa., 1776, art. XVI. (Thorpe, *American Charters, Constitutions, etc.*, vol. 5, p. 3084); the Const. of N. C., 1776, art. XVIII. (*id.*, vol. 5, p. 2788); and the Const. of N. H., 1784, art. XXXII. (*id.*, vol. 4, p. 2457).

The reference of acts by legislatures.

After the adoption of written constitutions, a number of judicial decisions were handed down which held that the reference of an act to a vote of the people of a state was a delegation of legislative power and therefore unconstitutional.

For early decisions putting forth the above doctrine, see the following cases directly in point: *Rice v. Foster*, 4 Harring. (Del.) 479 (1847); *Thorne v. Cramer*, 15 Barb. 112 (1851); *Bradley v. Baxter*, 15 Barb. 122 (1853); and *Barto v. Himrod*, 8 N. Y. 483 (1853); and *Santo v. State*, 2 Ia. 165 (1855). See also *dicta* in the following cases; *Parker v Commonwealth*, 6 Pa. St. 507 (1847); *State v. Copeland*, 3 R. I. 33 (1854); *Stein v. Mayor*, 24 Ala. 591 (1854); *State v. Swisher*, 17 Tex., 441 (1856); *State ex rel. Dome v. Wilcox*, 45 Mo. 458 (1870); and *State ex rel. Sandford v. Court of Common Pleas*, 36 N. J. Law, 72 (1872).

For the contrary doctrine, and sustaining of such acts, see *Johnson v. Rich*, 9 Barb. 680 (1851); *State v. Parker*, 26 Vt. 357 (1854), and *Smith v. Janesville*, 26 Wis. 291 (1870), cases directly in point. Also *dicta* in *Wales v. Belcher*, 20 Mass. 508 (1827); *People v. Reynolds*, 5 Gilman (Ill.) 1 (1848); *L. & N. R. Co. v. County Court*, 33 Tenn. 637 (1854); *State v. Noyes*, 30 N. H. 279. (1855); *Bull v. Read*, 54 Va. (13 Grat.) 78 (1855); *Manly v. Raleigh*, 57 N. C. 370 (1859); *Alcorn v. Hamer*, 38 Miss. 652 (1860), and *Locke's Appeal*, 72 Pa. St. 491 (1873).

The following are leading cases on the two sides:

Holding state-wide reference of an act to the people unconstitutional: *Rice v. Foster*, *Thorne v. Cramer*, *Bradley v. Baxter*, *Barto v. Himrod*, and *Santo v. State*, all cited above; *State v. Hayes*, 61 N. H. 264 (1881); and opinions of the Justices, 160 Mass. 586 (1894). Also indicating such reference to be unconstitutional in *dicta*: *Parker v. Commonwealth*, *State v. Copeland*, *State ex rel. Dome v. Wilcox*, and *State ex rel. Sandford v. Court of Common Pleas*, all cited above; and *Wright v. Cunningham*, 115 Tenn. 445 (1905).

Holding state-wide reference of an act to be constitutional and valid: *Johnson v. Rich*, *State v. Parker*, *Smith v. Janesville* all cited above, and *State ex rel. Van Alstine v. Frear*, 142 Wis. 320 (1910). Also indicating such reference to be constitutional in *dicta*: *Wales v. Belcher*, *People v. Reynolds*, *L. & N. R. R. Co. v. County Court*, *Bull v. Read*, *Manly v. Raleigh*, *Alcorn v. Hamer*, and *Locke's Appeal*, all cited above; *Fell v. State*, 42 Md. 71 (1875); *Clarke v. Rogers*, 81 Ky. 43 (1883); and *Rutter v. Sullivan*, 25 W. Va. 427 (1885).

The present status of the question is as follows:

Holding it unconstitutional: Del., Ia., Mass., N. H., N. Y.,
Holding it constitutional: Vt., Wis.

Not adjudicated, but with dicta indicating such reference to be unconstitutional: Md., N. J., Tenn., Tex., Utah, Wash.

Not adjudicated, but with dicta indicating it constitutional and valid: Ala., Ark., Cal., Ga., Ill., Kan., Minn., Miss., N. C., Pa., R. I., S. C., W. Va.,

Reference prohibited by express constitutional provision: Ind., and Ky. (except in certain specified cases).

Reference expressly permitted by constitutional provision: Ariz., Ark., Colo., Me., Mich., Mo., Mont., Okla., Ore., Wash.

Special constitutional provisions

The adoption of constitutional provisions which expressly require the reference to a vote of the people of legislative acts on specified questions, is the next step in the history of direct legislation in the United States.

Provisions for the obligatory state-wide referendum

on special questions are found quite generally in our state constitutions. They cover a variety of questions including suffrage, state boundaries and annexations of territory, the location of the seat of government and of state institutions, apportionment, the incurring of state indebtedness, the loaning of the state credit, banks and banking, state aid to railways, taxation, appropriations, sale of school lands, and provisions for education.

For typical illustrations of the obligatory referendum compare the following constitutional provisions.

Suffrage. Colo. Const. 1876, art. 7, sec. 2; N. D. Const., 1889, art. 5, sec. 122; S. D. Const. 1889, art. 7, sec. 2; Wis., Const. 1848, art. 3, sec. 1.

State boundaries and annexations of territory. W. Va. Const. 1872, art. 6, sec. 11.

Location of seat of government. Colo. Const. 1876, art. 8, sec. 2; Kan. Const. 1859, art. 15, sec. 8; Mont. Const. 1889, art. 10, sec. 2; Ore. Const. 1857, art. 14, sec. 1; Pa. Const. 1873, art. 3, sec. 28; S. D. Const. 1889, art. 20; Wash. Const. 1889, art. 14, sec. 1.

Location of state institutions. Tex. Const. 1876, art. 7, secs. 10 and 14; Wyo. Const. 1889, art. 7, sec. 23.

Apportionment. W. Va. Const. 1872, art. 6, sec. 50.

Public Credit. Cal. Const. 1879, art. 16; Colo. Const. 1876, art. 11, sec. 5; Idaho Const. 1889, art. 8, sec. 1; Ill. Const. 1870, art. 4, sec. 18, Ia. Const. 1857, art. 7, sec. 5; Kan. Const. 1859, art. 11, sec. 6; Ky. Const. 1891, sec. 50; Mo. Const. 1875, art. 6, sec. 44; Mont. Const. 1889, art. 13, sec. 2; N. J. Const. 1844, art. 4, sec. 6; N. Y. Const. 1894, art. 7, sec. 4; R. I. Const. 1842, art. 4, sec. 13; S. C. Const. 1895, art. 10, sec. 11; Wash. Const. 1889, art. 8, sec. 3; Wyo. Const. 1889, art. 16, sec. 2.

Banks and Banking. Ill. Const. 1870, art. 11, sec. 5; Ia. Const. 1857, art. 8, sec. 5; Kan. Const. 1859, art. 13, sec. 8; Mo. Const. 1875, art. 12, sec. 26; and Wis. Const. 1848, art. 11, sec. 5. Wisconsin provided for a double referendum, first, to determine whether a law should be submitted, and then by a second referendum, whether the law submitted should be adopted. (Changed by amendment of 1902.)

State aid to railways. Minn. Const. (Amend. 1860) art. 9, sec. 2.

Taxation, Colo. Const. 1876, art. 10, sec. 11; Idaho Const. 1889, art. 7, sec. 9; Ill. Const. 1870, art. 4, sec. 33; Mont. Const. 1889, art. 12, sec. 9; Utah Const. 1895, art. 13, sec. 7.

Appropriations for public buildings, Colo. Const. 1876, art. 11, sec. 3-5; Ill. Const., 1870, art. 4, sec. 33.

Sale of school lands, Kans. Const. 1876, art. 6, sec. 5.

Provisions for education, Tex. Const., 1876, art. 7, secs. 10 and 14.

Recent constitutional amendments

Within recent years a number of states have adopted constitutional provisions establishing the initiative and referendum for general state legislation. The amendments provide for the optional initiative and referendum whereas the referendum on special state questions provided in the older constitutional provisions was obligatory.

For the recent constitutional provisions for state direct legislation, see S. D. Const. (Amend. 1898) art. 3, sec. 1; Utah Const. (Amend. 1900) art. 6, secs. 1 and 22; Ore. Const. (Amend. 1902) art. 4, sec. 1; Nev. Const. (Amends. 1904 and 1912) art. 19, secs. 1, 2 and 3; Mont. Const. (Amend. 1906) art. 5, sec. 1; Okla. Const. 1907, art. 5, secs. 1-4, 6-8, and art. 24, sec. 3; Me. Const. (Amend. 1908) art. 4, part 1, sec. 1; id., part 3, sec. 1, and secs. 16-22; Mo. Const. (Amend. 1908) art. 4, sec. 57; Ark. Const. (Amend. 1910) art. 5, sec. 1; Colo. Const. (Amend. 1910) art. 5, sec. 1; Calif. Const. (Amend. 1911) art. 4, sec. 1; Ariz. Const. 1912, art. 4, sec. 1; New Mexico Const. 1912, art. 4, sec. 1 (provides referendum only); Ohio Const. (Amend. 1912) art. 2, secs. 1-1g; Idaho Const. (Amend. 1912) art. 3, sec. 1; Neb. Const. (Amend. 1912) art. 3, secs. 1 and 10; Wash. Const. (Amend. 1912) art. 2, sec. 1.

For proposed constitutional amendments see N. D., Session Laws, 1911, chs. 86, 89, 93, 94; and Wis., Laws, 1911, pp. 1142-5.

Advisory systems.

The difficulty of securing constitutional amendments for the initiative and referendum has led in a few in-

stances to the adoption of public opinion and party advisory system laws for the securing of at least partial systems of state direct legislation.

Public opinion laws. A public opinion system was enacted in Illinois in 1901. The electors of that state have voted upon a number of legislative questions; but as the candidates for the legislature have not been pledged to obey the wishes of their constituents, these expressions of opinion have not been effective in securing the legislation desired.

See Ill. Rev. Stats. 1906, ch. 46, secs. 428, 429, p. 967 (Ill. Laws, 1901, p. 198).

The advisory system within parties. The advisory system within the parties at primary elections was adopted in Texas in 1905.

See Tex. Laws, 1905, First called session, ch. 11, sec. 140.

VALIDITY OF THE INITIATIVE AND REFERENDUM.

The validity of state constitutional provisions reserving to the people the right of the initiative and referendum is firmly established.

The clause in the Federal Constitution which was used as the basis of attack upon such reserved powers was article 4, section 4: "The United States shall guarantee to every state in this Union a republican form of government. . . ."

I. (a) In this connection, the Supreme Court of the United States, in the case of Pacific States Telephone and Telegraph Co. v. Oregon, 32 Sup. Ct. Rep., p. 224 (Feb. 19, 1912), in which the constitutionality of the initiative and referendum was assailed, held that the question as to when a state had ceased to be republican in form, and the enforcement of the above guaranty, was "not cognizable by the judicial power, but solely committed by the Constitution to the judgment of Congress" (p. 224.)

Said Mr. Chief Justice White, in delivering the opinion in the case, "that question has long since been determined by this court" (p. 224). Re-affirming the doctrine expounded in "the leading and absolutely controlling case" of Luther v. Borden, 7 How. (48 U. S.) p. 1, (1849), the court held that

"the fundamental doctrines so lucidly and cogently announced by the court" in that case "have never been doubted or questioned since" (p. 230); and the court further cited, and quoted at length from *Taylor v. Beckham*, 178 U. S. 548 (1900), in which the principles set forth in *Luther v. Borden* were reiterated and re-affirmed.

In citing *Luther v. Borden*, the Chief Justice quotes from the opinion in that case:

"When the senators and representatives of a state are admitted into the councils of the union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority. And its decision is binding on every other department of the government, and could not be questioned in a judicial tribunal." (p. 230).

(b) It is a matter of public record that senators and representatives from South Dakota, Utah, Oregon, Montana, Oklahoma, Maine, Missouri, Arkansas, Colorado, California and Arizona (states all having the initiative and referendum) have been, and are, "admitted into the councils of the Union".

II. (a) Again, it was held by the U. S. Supreme Court, speaking through Mr. Chief Justice Waite, in the case of *Minor v. Happersett*, 21 Wall. (88 U. S.) 162 (Oct. Term. 1874), that

(b) "All the states had governments when the Constitution was adopted. . . These governments were accepted exactly as they were, and it is, therefore, to be presumed that they were such as it was the duty of the states to provide. Thus we have unmistakable evidence of what was republican in form, within the meaning of that term as employed in the Constitution", and

(c) In the Constitution of Georgia of 1777 (Art. LXJII), (in force as the organic law of that state at the time of the adoption of the federal constitution), the

initiative power to amend the state constitution was expressly provided. (See page——, above).

III "The initiative and referendum amendment does not abolish or destroy the republican form of government, or substitute another in its place . . . The people have simply reserved to themselves a larger share of legislative power." *Kadderly v. Portland*, 44 Ore. 118 (1903), re-affirmed in *State v. Pacific States Telephone and Telegraph Co.*, 53 Ore. 162 (1909) and followed in *Ex parte Wagner*, 21 Okla. 33 (1908).

See also, *Kiernan v. Portland*, 57 Or. 454 (1910), in which the court said, "Any government in which the supreme power resides with the people is republican in form. It is difficult to conceive of any system of law-making coming nearer to the great body of the people of the entire state, or by those comprising the various municipalities, than that now in use here, and, being so, we are at a loss to understand how the adoption and use of this system can be held a departure from a republican form of government . . . In proportion to their responsibility to those for whom they may be the public agents, and the nearer the power to enact laws and control public servants lies with the great body of the people, the more nearly does a government take unto itself the form of a republic—not in name alone, but in fact. From this it follows that each republic may differ in its political system or in the political machinery by which it moves, but, so long as the ultimate control of its officials and affairs of state remain in its citizens, it will in the eye of all republics, be recognized as a government of that class. . . . It seems inconceivable that a state,

merely because it may evolve a system by which its citizens become a branch of its legislative department, co-ordinate with their representatives in the Legislature, loses caste as a republic.”

See also, *State ex rel. Schrader v. Polley*, 26 S. D. 5 14 S. D. 394 (1901), upholding the constitutionality of the South Dakota initiative and referendum amendment. See, also, *State ex rel. Schrader v. Polley*, 26 S. D. 5 (1910).

For additional decisions on direct legislation, see *Hopkins v. Duluth*, 81 Minn. 189 (1900); *In re Pfahler*, 150 Calif. 71 (1906); *Eckerson v. Des Moines*, 137 Ia. 452, 482 (1908); *Hartig v. Seattle*, 53 Wash. 432, 435 (1909); *Straw v. Harris*, 54 Ore. 424, 430-1 (1909); and *State ex rel. v. Roach*, 230 Mo. 408 (1910). With reference to an opinion handed down by the Court of Criminal Appeals of Texas in *Ex parte Farnsworth*, 135 S. W. 535 (1911), in which the initiative and referendum was declared to be unconstitutional, see the following decisions of the Supreme Court of Texas upholding the constitutionality of these measures: *Southwestern Telegraph and Telephone Co. v. City of Dallas*, 134 S. W. 321 (1911), and *Bonner v. Belsterling*, 138 S. W. 571 (1911) affirming the judgment of the Court of Civil Appeals in this case, 137 S. W. 1154 (1911.)

The history of article 4, section 4 of the Federal constitution is given in Madison's *Journal of the Constitutional Convention* (Scott's Ed.), pages 63, 110, 148-9, 162, 380-2, 426-7, 444, 448, 449, 460, 462, 639-40, 691, 699, 712, 720, 736, 761.

In discussing this guaranty clause, James Madison in the *Federalist*, No. 43, says—"The authority extends no further than to a guaranty of a republican form of government. * * * As long as the existing republican forms are continued by the states they are guaranteed by the Federal Constitution. Whenever the states may choose to substitute other republican forms, they have a right to do so, and to claim the Federal guaranty for the latter. *The only restriction imposed upon them is that they shall not exchange republican for anti-republican constitutions*: a restriction which it is presumed, will hardly be considered as a grievance."

Again, Alexander Hamilton expounding the same clause says (the Federalist, No. 21) "It could be no impediment to reforms of the State Constitutions by a majority of the people in a legal and peaceable mode. This right would remain undiminished. *The guarantee could only operate against changes to be effected by violence.*"

James Wilson, also a member of the Constitutional Convention, and later a Justice of the Supreme Court of the United States, in his speech of November 26th, 1787, in the Pennsylvania convention, advocating the adoption of the Federal Constitution by that state, in naming and defining the various forms of government concludes his enumeration with, "a republic or democracy, where the people at large retain the supreme power— and act *either collectively or by representation.*" (Works, vol. 1, p. 544.)

Thomas Jefferson in a letter to John Taylor, under date of May 28th, 1816, (Vol. 15, p. 19, Library Ed., Jefferson's Writings), says—"Governments are more or less republican, as they have more or less of the element of popular election *and control* in their composition."

See, in addition, Montesquieu, Spirit of Laws, vol. 1, book 3, chapters 1-4; Story on the Constitution, 4th Ed., vol 2, ch. 41, pp. 567-74; Cooley, Constitutional Limitations, 7th Ed., ch. 2, pp. 42-5. Compare also Lincoln's "government of the people, by the people, for the people." (Gettysburg Address).

The Federal Constitution of Switzerland, ch. 1, art. 6, requires the constitution of every canton (state) to "assure the exercise of political rights, *according to republican forms, representative or democratic.*"

Finally, note the proclamation of President Roosevelt in admitting Oklahoma as a state, Nov. 16, 1907, in which he says, "Whereas it appears that the said Constitution and government of the proposed state of Oklahoma *are republican in form,*" etc.; and see the admission with its initiative and referendum constitutional provisions of Arizona, in 1912.

LAWS AND JUDICIAL DECISIONS.¹

Foreign countries.

*Switzerland.*² Fed. Const. 1874, art. 89. Federal laws, enactments, and resolutions are to be passed only by the agreement of the two councils. Federal laws must be submitted for acceptance or rejection by the people if the demand is made by 30,000 voters or by eight cantons. The same principle applies to federal resolutions which have a general application, and which are not of an urgent nature.

Art. 120. Whenever either council of the Federal Assembly resolves in favor of a complete revision of the federal constitution and the other council does not consent thereto, or when 50,000 Swiss voters demand a complete revision, the question whether the federal constitution ought to be revised must, in either case, be submitted to a referendum vote; and if the majority of those voting pronounce in the affirmative, there must be a new election of both councils for the purpose of undertaking the revision.

¹The present study concerns itself only with the initiative and the referendum for general state legislation. Constitutional provisions for the obligatory referendum on special state questions and state legislation relating to the initiative and referendum in local affairs, are not considered.

² See United States, 57th Cong., 2nd sess., House of Rep. Doc. No. 1 (1st serial no. 4440) p. 981-94, for an excellent account of the Swiss referendum and initiative, by Arthur S. Hardy, formerly U. S. minister to Switzerland. See also, the report to the Department of State by Leo J. Frankenthal, American vice-consul, Berne, Switzerland, May, 1908, on "The Initiative in Switzerland," (found in United States, 61st Cong., 1st sess., Senate Doc. No. 126).

Fed. Law, June 17, 1874. This law provides the procedure for referendums.

Fed. Const. (Amend. 1891) art. 121. Partial revision may be secured either through popular initiative or in the manner provided for the passage of federal laws. The initiative may be invoked by the petition of 50,000 voters asking for the enactment, the abolition, or the amendment of special articles of the federal constitution. When several different subjects are proposed for revision or adoption into the federal constitution by means of the initiative, each one of them must be demanded by a separate petition. Petitions may be presented in general terms or as a completed proposal of amendment. When a petition is presented in general terms and the Federal Assembly is in agreement therewith, it is the duty of that body to draw up a project of partial revision in accordance with the sense of the petitioners, and to submit it to the people and the cantons for acceptance or rejection. If the Federal Assembly is not in agreement with the petition, the question of revision must be submitted to the vote of the people, and if the majority of those voting express themselves in the affirmative, the Federal Assembly must proceed with the revision in conformity with the popular decision.

When a petition is presented in the form of a completed project of amendment, and the Federal Assembly is in agreement therewith, the project must be referred

to the people and the cantons for acceptance or rejection. In case the Federal Assembly is not in agreement with it, that body may prepare a measure of its own, or recommend the rejection of the proposed amendment, and it may submit its own counter-project or its recommendation for rejection at the same time that the initiative petition is submitted to the vote of the people and the cantons.

Art. 123. The amended federal constitution, or the revised portion thereof, is in force when it has been adopted by a majority of the citizens voting thereon, and by a majority of the cantons. In making up the majority of cantons the vote of a half-canton is counted as half a vote.

Fed. Law, published Feb. 10, 1892. This law provides the mode of procedure for the initiative.

The Cantons. All the cantons have the initiative and referendum upon constitutional amendments; and all except Fribourg, upon cantonal laws.

Great Britain. The question of introducing the referendum to settle disputes between the two houses has been discussed in the British Parliament.

See the Parliamentary Debates for June 24, 1907, pp. 911, 924-5.

The question was somewhat widely debated in the budgetary campaign of 1909-10. The adoption of a form of the referendum was advocated by the leaders of the Conservative party, in 1911.

Commonwealth of Australia. Const. 1900. This constitution was ratified by referendum vote taken in the separate colonies in Australia from 1899 to 1900. Under chapter 8, section 128, of the constitution, proposed

amendments must be submitted to a referendum vote. A double majority is required for ratification; namely, a majority of all the electors voting and also a majority vote in more than half of the states.

Norway. An interesting use of the referendum was made by the people of Norway in their separation from Sweden. A Resolve of the Storthing on July 28, 1905, provided for a referendum vote of the electors of the whole country to decide the question of the dissolution of the union. The referendum took place on August 13, 1905, and resulted in a practically unanimous vote for the dissolution.

United States.

Arizona. Const. 1912, art. 4, part 1.

The initiative and referendum apply both to laws and constitutional amendments.

Legislative measures may be proposed by 10% of the qualified electors, and constitutional amendments by 15%.

A referendum may be ordered by the legislature, or by a petition signed by 5% of the qualified electors, upon any measure, or item, section or part of any measure, enacted by the legislature, except emergency measures. Emergency measures are such as are immediately necessary for the preservation of the public health, peace or safety, or for the support and maintenance of the departments of the state government and state institutions. Emergency measures require a two-thirds vote of the members elected to each house by the

legislature, on a roll call vote, and the approval of the governor. A three-fourths affirmative vote in each house is necessary to pass an emergency measure over the governor's veto.

Acts passed by the legislature, except emergency measures, do not become operative until 90 days after the close of the session of the legislature enacting them.

Initiative petitions must be filed with the secretary of state not less than four months preceding the date of the election at which the measures so proposed are to be voted upon.

Measures and constitutional amendments submitted to the people become law when approved by a majority of the votes cast thereon and upon the proclamation of the governor. The veto power of the governor does not extend measures approved by the vote of the people.

The total number of votes cast for all candidates for governor at the general election last preceding the filing of any initiative or referendum petition is the basis on which the number of qualified voters required to sign such petition is computed.

Petitions must contain the declaration of each petitioner that he is a qualified voter of the state, his post-office address, the street and number, if any, of his residence, and the date on which he signed the petition. Each sheet containing petitioners' signatures must be attached to a copy of the title and text of the measure so proposed to be initiated or referred to the people, and every sheet of every such petition containing signatures must be verified by the affidavit of the person who circulated the sheet or petition, setting forth that each of

the names were signed in the presence of the affiant and that in his belief each signer was a qualified voter of the state.

If two or more conflicting measures or amendments to the constitution are approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes prevails in all particulars as to which there is conflict.

It is the duty of the secretary of state, in the presence of the governor and chief justice of the supreme court, to canvass the votes for and against measures and proposed constitutional amendments, within 30 days after the election. Upon the completion of the canvass the governor must issue his proclamation giving the vote cast, and declaring such measures or amendments as have received a majority of the votes cast thereon, to be law.

This section of the constitution is self-executing. It is made the duty of the legislature to provide a penalty for any wilful violation of this section.

Arkansas. Const. (Amend. 1910) art. 5, sec. 1. Acts of Ark., 1909, pp. 1238—1240. The initiative and referendum apply to both statutes and constitutional amendments. Emergency acts are excepted from the application of the referendum.

Initiative petitions must be signed by 8 per cent of the legal voters, must include the full text of the measure proposed and be filed with the secretary of state not less than four months before the election at which they are to be voted upon.

Referendum petitions must be signed by at least 5 per cent of the voters, and must be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded. The legislative assembly may order a referendum on any act. The veto power of the governor does not extend to measures referred to the people.

Any measure referred to the people shall take effect and become a law when it is approved by a majority of the votes cast thereon.

The whole number of votes cast for governor at the regular election last preceding the filing of any petition for the initiative or referendum is the basis on which the number of legal votes necessary to sign such petition are to be counted.

Public Acts, 1911 pp. 582—93. This act provides for carrying into effect the initiative and referendum powers reserved by the people. It establishes the procedure for initiative and referendum petitions, and prescribes the form of such petitions. It provides that no law passed by the legislature shall be deemed necessary for the immediate preservation of the public peace, health or safety that does not pertain to the support and maintenance of the government, the state's charitable or educational institutions, deficiencies in former appropriations, the exercise of the police powers, the immediate relief of persons or communities in distress, or unless the purpose of such law must be immediately accomplished, if at all; and in no case unless such emergency is declared in the enactment of the law.

The act defines the eligibility of signers of initiative and referendum petitions, and provides penalties for the wrongful signing of petitions. It further prescribes the form of affidavit to be attached to petitions in verification of signatures; and for mandamus proceedings to compel the secretary of state to file petitions, if necessary, and for judicial determination of the sufficiency of petitions. The ballot titles of initiative measures are provided by the attorney general.

If two or more conflicting laws are approved by the people at the same election, the law receiving the greatest number of affirmative votes is paramount in all particulars as to which there is a conflict. Similarly, as to constitutional amendments.

The act contains provisions for the publishing for thirty days of copies of the titles and texts of measures submitted to the people, in one newspaper in each county; and for the counting, canvassing and returning of the votes cast upon such measures, and for the governor's proclamation giving the results, and declaring such measures as are approved by a majority of those voting thereon to be in full force and effect as the law of the state. If two or more measures approved at an election are known to conflict with each other, or to contain conflicting provisions, the governor must proclaim which is paramount in accordance with the provisions of this act.

California. Const. (Amend. 1911) art. 4, sec. 1, Statutes, 1911, pp. 1655—59. The initiative and referendum apply both to laws and constitutional amendments.

Legislative measures and constitutional amendments may be proposed by initiative petitions signed by 8% of

all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected; and any measure or amendment so petitioned for and presented to the secretary of state shall be submitted to the voters at the next succeeding general election occurring subsequent to 90 days after the presentation of said petition, or at any special election called for the governor in his discretion prior to such general election.

Initiative petitions for laws signed by 5 per cent of the votes cast as above, may be filed with the secretary of state at any time not less than ten days before the commencement of any regular session of the legislature; and when any such initiative petition has been so filed, it must be transmitted to the legislature as soon as it convenes and organizes. The law so proposed must be either enacted or rejected without change or amendment by the legislature, within 40 days from the time it was received. If rejected, or if no action is taken upon it by the legislature within said 40 days, the secretary of state must submit it to the people for approval or rejection at the next general election.

The legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yea and nay vote upon a separate roll call, and in such event both measures must be submitted by the secretary of state to the voters. Initiative petitions must set forth the full text of the measure proposed.

The referendum may be invoked by a petition signed by 5 per cent of all the votes cast for all candidates for

governor at the last preceding general election at which a governor was elected. Referendum petitions must be filed with the secretary of state within 90 days after the final adjournment of the session of the legislature which passed the act. No act passed by the legislature goes into effect until 90 days after the final adjournment of the session, except those calling elections, providing for tax levies or appropriations for the usual current expenses of the state, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of the members elected to each house. No measure creating or abolishing any office or changing the salary, term, or duties of any officer or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure.

The referendum may be ordered upon any act or section or part of any act (except urgency measures, as above.) Acts referred to the people shall be voted upon at the next general election occurring at any time subsequent to 30 days after the filing of the petition, or at any special election called by the governor, in his discretion, prior to such regular election.

Any measure or constitutional amendment submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, takes effect five days after the date of the official declaration of the vote by the secretary of state. No measure or constitutional amendment, initiated or adopted by the people, is subject to the veto power of the governor; and no

such measure or amendment to the constitution adopted by the people under the initiative provisions of this section, can be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure. However, acts and laws adopted by the people under the referendum provisions may be amended by the legislature at any subsequent session thereof.

If any provision or provisions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions receiving the highest affirmative vote prevails.

Provision is made that until otherwise provided by law, all measures submitted to the electors under the initiative and referendum powers, shall be printed, and together with arguments for and against each such measure by the proponents and opponents thereof, shall be mailed to each elector in the same manner as now provided by law as to amendments to the constitution, proposed by the legislature; and until otherwise provided by law, the persons to prepare and present such arguments shall be selected by the presiding officer of the senate.

Any initiative and referendum measure, proposed as provided, which for any reason is not submitted at the election specified in this section, is not thereby prevented from being submitted at a succeeding general election; and no law or constitutional amendment, proposed by the legislature, can be submitted at any election unless at the same election there be submitted all measures proposed by petition of the electors, if any be so proposed.

Any initiative or referendum petition may be presented in sections, but each section must contain a full and correct copy of the title and text of the proposed measure. Each signer must add to his signature his place of residence, giving the street and number if such exist. His election precinct must also appear on the paper after his name. Any qualified elector of the state shall be competent to solicit signatures within the county or city and county of which he is an elector. Each section of the petition must bear the name of the county or city and county in which it is circulated, and must have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature is genuine. No other affidavit is required. The affidavit of any person soliciting signatures to petitions must be verified free of charge by any officer authorized to administer oaths. Such petitions so verified are prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it is otherwise proven upon official investigation, it is presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Each section of the petition must be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be

filed at the same time. Within 20 days after the filing of such petition in his office, the said clerk, or registrar of voters, must determine from the records of registration what number of qualified electors have signed the same, and if necessary the board of supervisors shall allow the clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk, or registrar, upon the completion of such examination, must forthwith attach to the petition, except the signatures thereto appended, his certificate properly dated, showing the result of the examination; and must forthwith transmit the petition and his certificate to the secretary of state and also file a copy of the certificate in his office. Within 40 days from the transmission of the petition and certificate by the clerk or registrar to the secretary of state, a supplemental petition identical with the original as to the body of the petition, but containing supplemental names, may be filed with the clerk or registrar of voters. Within 10 days after the filing of such supplemental petition, a like examination and certification as of the original petition shall be made.

When the secretary of state shall have received from one or more county clerks or registrars, of voters a petition properly certified as having been signed by the requisite number of qualified electors, he must forthwith transmit to the county clerk or registrar of voters of every county or city and county in the state his certificate showing such fact.

This amendment is self-executing but legislation may be enacted to facilitate its operation, but in no

way limiting or restricting either the provisions of this section or the powers herein reserved.

Colorado. Const. (Amend. 1910) art. 5, sec. 1. Session Laws, 1910, pp. 11—14. The initiative and referendum apply both to statutory laws and constitutional amendments.

Initiative petitions proposing laws or amendments to the constitution must be signed by at least 8% of the legal voters, and every such petition must include the full text of the measure so proposed. Petitions must be filed with the secretary of state at least four months before the election at which they are to be voted upon.

Referendum petitions signed by at least 5% of the legal voters, may be filed against any act, section or part of any act of the general assembly, except laws necessary for the immediate preservation of the public peace, health or safety, and appropriations for the support and maintenance of the department of state and state institutions. The referendum may also be ordered by the general assembly. Referendum petitions must be filed with the secretary of state not more than 90 days after the final adjournment of the session of the general assembly that passed the bill on which the referendum is demanded. The filing of a referendum petition against any item, section or part of any act does not delay the remainder of the act from becoming operative. The veto power of the governor does not extend to measures initiated by or referred to the people. All elections on measures referred to the people shall be held at the regular

biennial general election, and all such measures become law when approved by a majority of the votes cast thereon, and take effect from and after the date of the official declaration of the vote by proclamation of the governor, but not later than 30 days after the vote has been canvassed. The whole number of votes cast for secretary of state at the regular general election last preceding the filing of any initiative or referendum petition is made the basis on which the number of legal votes necessary to sign such petition are counted.

Initiative or referendum petitions shall consist of sheets having such general form printed or written at the top thereof as shall be designated or prescribed by the secretary of state. The signatures must be those of qualified electors only, and each signature must be followed by the residence address and the date of signing. To each petition, which may consist of one or more sheets, must be attached the affidavit of some qualified elector, that each signature thereon is the signature of the person whose name it purports to be, and that to the best of the knowledge and belief of the affiant, each of the persons signing said petition was at the time of signing a qualified voter. Such petition so verified is prima facie evidence that the signatures thereon are genuine and that the persons signing it were qualified electors.

This section is self-executing.

Idaho. Const. (Amends. 1912.) art. 3, sec. 1. The referendum and initiative amendments are separate. The referendum power against any act or measure passed

by the legislature is reserved to the people, "under such conditions and in such manner as may be provided by acts of the legislature."

Similarly the power of the initiative as applying to statutory laws only, is reserved to the people. However, it is provided that legislation thus submitted shall require the approval of a number of votes equal to a majority of the total vote cast for the office of governor at such general election, to be adopted.

Neither of these amendments is self-existing. The provisions of both are quite similar to those of the Utah amendment adopted in 1900. The latter has not yet been put in force by the legislature.

Illinois. Rev. Stats., 1906, c. 46, secs. 428—9, p. 967. (Laws, 1901, p. 198.) Under this law the submission of any question for an expression of public opinion may be secured on a written petition signed by 10% of the registered voters of the state. The petition must be filed with the proper election officers not less than sixty days before the election at which the question is to be submitted. Not more than three propositions may be submitted at the same election, and they are to be submitted in the order of filing.

Maine. Const. (Amend. 1908) art. 4, part 1, secs. 1 and 16—22. Resolves, 1907, ch. 121, pp. 1476—81. This amendment applies to statutory but not to constitutional law. Certain specific exemptions are also made for statutory law.

Emergency bills are not subject to the referendum. Such bills may include measures immediately necessary

for the preservation of the public peace, health, or safety, but may not include (1) an infringement of the right of home rule for municipalities; (2) a franchise or license to a corporation or an individual, extending longer than one year; or (3) provision for the sale, or purchase, or renting for more than five years of real estate. The emergency, with the facts constituting the same, must be expressed in the preamble of the act. A two-thirds vote of all the members elected to each house is necessary to pass an emergency measure.

Initiative bills may propose any measure, including bills to amend or repeal emergency legislation, but not to amend the state constitution. The petition must set forth the full text of the measure proposed and be signed by not less than 12,000 electors, and be filed with the secretary of state or presented to either branch of the legislature at least 30 days before the close of its session. Proposed measures must be submitted to the legislature, and unless they are enacted without change, they must be submitted to the electors together with any amended form, substitute, or recommendation of the legislature, in such a manner that the people can choose between the competing measures, or reject both. When there are competing bills and neither receives a majority of the votes given for and against both, the one receiving the greater number of votes is to be resubmitted by itself at the next general election, to be held not less than sixty days after the first vote thereon; but no measure is to be resubmitted unless it has received more than one-third of the votes given for and against both. An initiative measure enacted by the legislature with-

out change is not to be referred unless a popular vote is demanded by a referendum petition. The veto power of the governor does not extend to any measure approved by vote of the people, and if he vetoes any measure initiated by the people and passed by the legislature without change, and his veto is sustained by the legislature, the measure is to be referred to the people at the next general election.

The legislature may enact measures expressly conditioned upon the people's ratification by referendum vote.

Petitions for a reference of any act or any part or parts thereof, passed by the legislature must be signed by not less than 10,000 electors, and be filed within ninety days after the recess of the legislature. The governor is required to give notice of the suspension of acts through referendum petitions and make proclamation of the time when the referred measure is to be voted upon. Referred measures do not take effect until thirty days after the governor has announced their ratification by a majority of the electors voting thereon. The governor may order a special election upon an initiative or referendum measure, or if so requested in the petition shall order a special election held upon the act to be referred or the act initiated but not enacted without change by the legislature.

Michigan. Const. 1908, art. 5, sec. 38 and art. 17, secs. 2, 3. Any bill passed by the legislature and approved by the governor, except appropriation bills, may be referred by the legislature to the electors; and no bill so referred shall become law unless approved by a majority of the electors voting thereon.

Amendments to the constitution may be proposed by petition signed by over 20% of the total number of electors voting for secretary of state at the preceding election of such officer. All petitions must contain the full text of the proposed amendment, together with any existing provisions of the constitution which would be altered or abrogated thereby. Such petitions must be signed at the regular registration or election places at a regular registration or election under the supervision of the officials thereof, who must verify the genuineness of the signatures and certify the fact that the signers are registered electors of the respective townships and cities in which they reside, and must forthwith forward the petitions to the secretary of state. All such petitions must then be certified by the secretary of state to the legislature at the opening of its next regular session; and when the petitions for any one proposed amendment are signed by not less than the required number of petitioners, he must also submit the proposed amendment to the electors at the first regular election thereafter, unless the legislature in joint convention disapproves of the proposed amendment by a majority of the members elected. The legislature may, by a like vote, submit an alternative or a substitute proposal on the same subject. No amendment to this section may be proposed in the manner prescribed.

If a majority of the electors voting upon the proposed amendment ratify and approve it, the same shall become a part of the constitution, provided that the affirmative vote be not less than one-third of the highest number of votes cast at the said election for any office.

In case alternatives proposed on the same subject are submitted at the same election, the vote shall be for one of such alternatives or against such proposed amendments as a whole. If the affirmative vote for one proposed amendment is the required majority of all the votes cast for and against such proposed amendments, it shall become a part of the constitution. If the total affirmative vote for such alternative proposed amendments is the required majority of all the votes for and against them, but no one proposed amendment receives such majority, then the proposed amendment which receives the largest number of affirmative votes shall be submitted at the next regular election. If it then receives the required majority of all the votes cast thereon, it shall become a part of the constitution. The legislature is directed to enact appropriate laws to carry out the provisions of this section.

Missouri. (Amend. 1908.) art. 4, sec. 57. The initiative and referendum apply to both statutory law and constitutional amendments. Initiative petitions require not more than 8% of the legal voters in each of at least two-thirds of the congressional districts in the state. Every petition must include the full text of the measure proposed, and must be filed with the secretary of state not less than four months before the election at which it is to be voted upon.

The referendum may be ordered upon a petition signed by 5% of the legal voters in each of at least two-thirds of the congressional districts, or by the legislative assembly. Emergency measures are exempt from the

referendum. Laws making appropriations for the current expenses of the state government, for the maintenance of the state institutions, and for the support of public schools are also exempt. Referendum petitions must be filed not more than ninety days after the final adjournment of the legislative session. The veto power of the governor does not extend to measures referred to the people. All elections on measures referred to the people, shall be had at the biennial regular general elections, except when the legislative assembly shall order a special election. The whole number of votes cast for justice of the supreme court at the regular election last preceding the filing of any initiative or referendum petition shall be the basis on which the number of legal voters necessary to sign such petition shall be counted.

Rev. Stats., 1909, vol. 2, ch. 59, secs. 6747—56, (*Laws*, 1909, pp. 554—6). This chapter establishes the procedure to facilitate the operation of the initiative and referendum provisions of the constitution. It specifically provides for the form of initiative and referendum petitions; the verification of signatures; judicial proceedings; the duties of officials relating to petitions; the manner of voting on measures; what measure shall be paramount in case of conflict; the canvass and return of votes on measures, and for the proclamations on paramount measures; and the penalties for violation of this act.

The minimum number of petitioners to either an initiative or referendum petition, is 5 per cent of the legal voters in each of at least two-thirds of the congressional districts in the state.

Montana. Const. (Amend. 1906) art. 5, sec. 1. Direct legislation is established for statutory, but not for constitutional law. Certain specific exemptions are also made for statutory law. The referendum may not be invoked upon emergency measures.

Initiative petitions require 8 per cent of the legal voters of the state and 8 per cent of the legal voters in each of two-fifths of the whole number of counties of the state. They must include the full text of the measure proposed, and must be filed with the secretary of state not less than four months before the election at which they are to be voted upon.

Referendum petitions require 5 per cent of the voters of the state and 5 per cent of the voters of each of two-fifths of the counties; and they must be filed not less than six months after the final adjournment of the legislative session. The legislative assembly may also refer any act.

Any measure referred to the people is to remain in full force and effect unless the referendum petition is signed by 15 per cent of the legal voters of a majority of the whole number of the counties of the state, in which case the law remains inoperative until it is passed upon at an election and the result has been determined as provided by law. The veto power of the governor does not extend to measures referred to the people.

All elections on measures referred to the people shall be held at the biennial regular general election, except when the legislative assembly shall order a special election. The whole number of votes cast for governor at the regular election last preceding the filing of any pe-

tion for the initiative or referendum, shall be the basis on which the number of the legal petitions and orders for the initiative and referendum shall be filed.

Rev. Codes, 1907, vol. 1, part III, title 1, ch. II, art. X, secs. 106—115, (Laws 1907, ch. 62). This law establishes the procedure for carrying the direct legislation provisions of the constitution into effect. It definitely sets forth the requirements as to the form of petitions; the verification of signatures; the duties of officials in submitting petitions; the publication and distribution of arguments; the manner of conducting the elections and of canvassing the vote; and the proclamation of the governor declaring the enactment of the approved measures.

Provision is made for the official distribution of the text of measures to all the electors in the state. In addition, arguments for or against any proposed measures may be supplied at the expense of the parties interested; and such arguments when printed in pamphlet form of specified size and style, will be mailed by the state bound in with the official copy of the measure to each voter.

Parties filing initiative petitions may supply arguments for, and opposing parties may supply arguments against, the measures proposed. In case of measures referred to the people by the legislative assembly, any person may supply arguments for or against the referred measures; but the secretary of state is not obliged to receive any pamphlets for distribution unless a sufficient number is furnished to supply one to every legal voter in the state.

Nebraska. Const. (Amend. 1912) art. 3, secs. 1—1d, and 10. The initiative and referendum apply to laws and constitutional amendments.

Initiative petitions for laws must be signed by 10 per cent of the legal voters of the state, and for constitutional amendments by 15 per cent, so distributed as to include 5 per cent of the legal voters in each of two-fifths of the counties; and must contain the full text of the measure so proposed. Initiative petitions must be filed with the secretary of state and be by him submitted to the voters at the first regular state election held not less than four months after such filing. The same measure, either in form or essential substance, shall not be submitted to the people by initiative petition oftener than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes thereby becomes law as to all conflicting provisions.

Referendum petitions must be signed by 10 per cent of the legal voters of the state, distributed as required for initiative petitions. Referendum petitions must be filed with the secretary of state within ninety days after the close of the legislative session, or after an adjournment for a period of over ninety days. Elections thereon must be had at the first regular state election held not less than thirty days after such filing. The referendum may be ordered upon any act, except acts making appropriations for the expenses of the state government, and state institutions existing at the time such act is passed. When the referendum is ordered upon an act,

or any part thereof, it shall suspend its operation until the same is approved by the voters, provided that emergency acts shall continue in effect until rejected by the voters or repealed by the legislature. The filing of a referendum petition against one or more items, sections or part of an act does not delay the remainder of the measure from becoming operative.

The whole number of votes cast for governor at the regular election last preceding the filing of any initiative and referendum petition is made the basis on which the number of legal voters required to sign such petition shall be computed. The veto power of the governor does not extend to measures initiated by or referred to the people. All such measures become the law or a part of the constitution when approved by a majority of the votes cast thereon; provided, the vote cast in favor of said initiative measure or part of the constitution constitutes 35 per cent of the total vote cast at the election. Measures approved by the people take effect upon the governor's proclamation, which must be made within ten days of the completion of the official canvass. All propositions submitted under the above provisions must be submitted in a non-partisan manner and without any indication or suggestion on the ballot that they have been approved and endorsed by any political party or organization.

This amendment is self executing, but legislation may be enacted especially to facilitate its operation.

Nevada. Const. (Amends. 1904 and 1912) art. 19, secs. 1, 2 and 3. A referendum may be ordered on petition of 10 per cent of the voters. When a majority of

the electors voting at a state election by their votes signify approval of a law or resolution, such law or resolution stands as the law of the state, and cannot be overruled, annulled, set aside, suspended, or in any way made inoperative except by the direct vote of the people. When such majority so signifies disapproval the measure is void and of no effect.

Statutes, 1908—9, ch. 188. This law provides the procedure for submitting acts of the legislature to a vote of the people in accordance with the referendum provisions of the constitution. Petitions must be filed with the secretary of state not less than four months before the general election. The act provides for the verification of signatures; the duty of officials in submitting the question; and the counting and canvassing of the votes cast thereon.

Statutes, 1911, pp. 446—7. The initiative and referendum power is reserved to the people, and applies to laws and constitutional amendments.

Initiative petitions require not more than 10% of the qualified electors and must be filed with the secretary of state not less than thirty days before any regular session of the legislature. The secretary of state transmits the same to the legislature as soon as it convenes and organizes. Such measures take precedence of all measures of the legislature except appropriation bills, and must be enacted or rejected without change or amendment within forty days. If it is enacted by the legislature and approved by the governor it becomes a law, but it is subject to referendum petition.

If it is rejected by the legislature, or if no action is taken thereon within forty days, the secretary of state must submit the same to the voters for approval or rejection at the next general election; and if a majority of the votes cast thereon approve of it, it becomes a law and takes effect from the date of the official declaration of the vote. An initiative measure so approved by the voters can not be annulled, set aside or repealed by the legislature within three years.

If the legislature rejects an initiative measure, it may, with the approval of the governor, propose a different measure on the same subject, in which event both measures must be submitted to the voters at the next general election. If the conflicting measures submitted shall both be approved by a majority of the votes severally cast for and against each of them, the measure receiving the higher number of affirmative votes thereupon becomes a law as to all conflicting provisions.

The whole number of votes cast for justice of the supreme court, at the general election last preceding the filing of any initiative petition is made the basis on which the number of qualified electors required to sign such petition shall be counted.

The referendum power is further reserved to apply to any item, section or part of any act or measure passed by the legislature.

The provisions of this section are self-executing, but legislation may be especially enacted to facilitate its operation.

New Mexico. Const. 1912, art. 4, sec. 1. Referendum only is provided for and it is subject to the following

restrictions. Petitions disapproving any law, (except a general appropriation law, laws providing for the preservation of the public peace, health or safety, or for the payment of the public debt or interest thereon, or the creation or funding of the same, except as in the constitution otherwise provided; and laws for the maintenance of the public schools or state institutions, and local or special laws) must be signed by not less than 10% of the qualified electors of each of three-fourths of the counties, and in the aggregate not less than 10% of the qualified electors of the state, as shown by the total number of votes cast at the last preceding general election.

Petitions must be filed with the secretary of state not less than four months prior to the general election next following the legislative session. If, on the referendum vote, a majority of the legal votes cast thereon, and not less than 40% of the total number of legal votes cast at such general election, are cast for the rejection of the law, it is annulled and repealed with the same effect as if the legislature had repealed it; and the repeal revives any law repealed by the act so annulled.

If the petition is signed by not less than 25% of the qualified electors, as above, and is filed not less than ninety days after the adjournment of the session of the legislature enacting the law, the operation of that law is thereupon suspended and the question of its approval or rejection is likewise submitted to a vote. The same vote as above is necessary to defeat the measure upon which the referendum is demanded.

North Dakota. (Proposed Const. Amends.) Laws, 1911, chs. 86, 89, 93 and 94. In 1907 the legislature of North Dakota passed a constitutional amendment providing for the initiative and referendum, but as it was not adopted by the 1909 session, in accordance with the requirements of the constitution of that state, it was not submitted to the people. At the 1911 session of the legislature four different initiative and referendum amendments were passed and referred to the 1913 session for adoption or rejection. Any of these amendments so adopted will be referred to the people in the 1914 election.

Chapter 93, Laws of N. D., 1911, applies only to laws; chapter 89, only to constitutional amendments, and chapters 86 and 94 apply to both laws and amendments.

Ohio. Const. (Amend., 1912) art. 2, secs. 1—1g. The initiative and referendum powers apply both to statutes and to constitutional amendments.

Initiative petitions for amendments to the constitution must be signed by 10 per cent of the voters of the state, of which number each of one-half of the counties must furnish as signers 5 per cent of its voters. When a petition so signed shall have been filed with the secretary of state and verified, he shall submit the amendment so proposed to the voters at the next regular or general election occurring subsequent to 90 days after the filing of the petition.

Initiative petitions for laws must be filed with the secretary of state not less than ten days prior to the commencement of any session of the legislature, and signed by 3 per cent of the voters, each of one half the counties

furnishing as signers $1\frac{1}{2}$ percent of its voters; and must be verified as provided for below. The secretary of state must transmit the petitions to the legislature as soon as it convenes and organizes. If the said proposed law be passed by the legislature, either as petitioned for or in an amended form, it shall be subject to the referendum. If it be not passed or if it be passed in an amended form, or if no action be taken upon it within four months from the time it is received by the legislature, it shall be submitted to the electors at the next regular or general election, if such submission be demanded by supplementary petition signed by an additional 3 per cent of the voters, of which number each of one-half of the counties must furnish as signers $1\frac{1}{2}$ per cent of its voters. Such supplementary petition must be filed with the secretary of state within 90 days after the proposed law has been rejected by the legislature or after the expiration of such term of four months, if no action has been taken thereon, or after the law as passed by the legislature shall have been filed by the governor in the office of the secretary of state. The proposed law must be submitted in the form demanded by the supplementary petition, which form shall be either as first petitioned for or with any amendment or amendments which may have been incorporated therein by either branch or by both branches of the legislature. If a proposed law so submitted is approved by a majority of the electors voting thereon, it shall be the law and shall go into effect in lieu of any amended form of said law which may have been passed by the legislature, and such amended law passed by the legislature shall not go into effect until and

unless the law proposed by supplementary petition shall have been rejected by the electors. Ballots must be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors. Any proposed law or amendment to the constitution submitted to the electors, if approved by a majority of the electors voting thereon, takes effect 30 days after the election at which it was approved and shall be published by the secretary of state. If conflicting proposed laws or conflicting proposed constitutional amendments are approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law, or in the case of amendments to the constitution shall be the amendment to the constitution. No law proposed by initiative petition and approved by the electors shall be subject to the veto of the governor.

The referendum may be invoked upon any law, section of any law or any item in any law appropriating money passed by the legislature, except laws providing for tax levies, appropriations for the current expenses of the state government and state institutions, and emergency laws necessary for the immediate preservation of the public peace, health or safety. Emergency laws upon a ye and nay vote must receive the vote of two-thirds of all the members elected to each branch of the legislature, and the reasons for such necessity must be set forth in one section of the law, which section shall be passed only upon a ye and nay vote, upon a separate roll call thereon. Except as above provided the referendum may be invoked upon

any law, section of any law or any item in any law appropriating money passed by the legislature. No law passed by the legislature, except as above provided, goes into effect until 90 days after it has been filed by the governor in the office of the secretary of state. When a referendum petition, signed by 6 per cent of the electors of the state and verified, has been filed with the secretary of state within 90 days after the filing of any law by the governor in the office of the secretary of state, ordering that such law, section of such law or any item in such law appropriating money be submitted to the electors of the state for their approval or rejection, the secretary of state must submit such law, section or item, at the next succeeding regular or general election occurring subsequent to 60 days after the filing of such petition; and no such law, section or item shall go into effect until and unless approved by a majority of those voting thereon. If, however, a referendum petition be filed against a section or item, the remainder of the law shall not thereby be prevented or delayed from going into effect.

It is specifically provided that the initiative and referendum powers shall not be used to pass a law authorizing any classification of property for the purpose of levying different rates of taxation thereon or of authorizing the levy of any single tax on land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon, or to personal property.

Initiative, supplementary or referendum petitions may be presented in separate parts but each part must

contain a full and correct copy of the title and text of the law or part thereof sought to be referred, or the proposed law or constitutional amendment initiated. Each signer of any initiative, supplementary or referendum petition must be an elector of the state and shall place on such petition after his name the date of signing and his place of residence. A signer residing outside of a municipality must state the township and county in which he resides, and a resident of a municipality must state in addition to the name of such municipality the street and number, if any, of his residence and the ward and precinct in which the same is located. The names of all signers to such petitions must be written in ink, each signer for himself. To each part of such petition must be attached the affidavit of the person soliciting the signatures to the same, which affidavit must contain a statement of the number of the signers of such part of such petition and must state that each of the signatures attached to such part was made in the presence of the affiant, that to the best of his knowledge and belief each signature on such part is the genuine signature of the person whose name it purports to be, that he believes the persons who have signed it to be electors, that they so signed said petition with knowledge of the contents thereof, that each signer signed the same on the date stated opposite his name; and no other affidavit thereto shall be required. The petition and signatures upon such petitions, so verified, shall be presumed to be in all respects sufficient, unless not later than 40 days before the election it shall be otherwise proved; and in such event ten additional days shall be allowed for the filing of additional signatures to such petitions.

It is specifically provided that no law or amendment to the constitution submitted to the electors by initiative and supplementary petition and receiving an affirmative majority of the votes cast thereon, shall be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same was procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency.

A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law section or item, submitted to the electors by referendum petition, may be named in such petition and the persons who prepare the argument or explanation, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument or explanation, or both, for the law, section or item, submitted to the electors by referendum petition, or against any proposed law submitted by supplementary petition, shall be named by the legislature, if in session, and if not in session by the governor. The secretary of state must cause to be printed the law, or proposed law, or proposed constitutional amendment, together with the arguments and explanations, not exceeding 300 words for each, and also the arguments and explanations, not exceeding 300 words against each, and

must mail, or otherwise distribute, a copy of such measure or proposed measure, together with such arguments and explanations to each of the electors or the state, as far as may be reasonably possible. The secretary of state must cause to be placed upon the ballots the titles of measures submitted to the people. The ballot must be so printed as to permit an affirmative or negative vote upon each measure submitted. The basis upon which the required number of petitioners in any case shall be determined is the total number of votes cast for governor at the last preceding election.

The provisions of this amendment are self-executing, except as otherwise stated. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved.

Oklahoma. Const. 1907, art. 5, secs. 1—4, 6—8, and art. 24, sec. 3. The initiative and referendum apply to constitutional and statutory law. Emergency measures are exempt from the referendum provisions.

Legislative measures may be proposed by 8%, and amendments to the constitution by 15%, of the legal voters. Initiative petitions must contain the full text of the measure proposed. A referendum may be ordered by 5% of the legal voters, or by the legislature. The percentage of legal voters required for initiative and referendum petitions is based upon the total number of votes cast at the last general election for the state office receiving the highest number of votes. Petitions for referred measures must be filed not more than ninety days

after the final adjournment of the legislature. Petitions and orders for the initiative and referendum must be filed with the secretary of state and be addressed to the governor, who must submit them to the people.

All elections on measures referred to the people are held at the regular state elections, except when the legislature or the governor orders a special election for the express purpose of making such reference.

Initiative measures require a majority of the votes cast at the election, while only a majority of the votes cast on a referred measure are necessary to give it effect. The referendum may be demanded by the people against one or more items, sections, or parts of any act of the legislature. The veto power of the governor does not extend to measures voted on by the people. Any measure rejected by the people, through the powers of the initiative and referendum, can not be again proposed by the initiative within three years thereafter by less than 25% of the legal voters.

The explicit statement is also inserted that "the reservation of the powers of initiative and referendum shall not deprive the legislature of the right to repeal any law, or propose or pass any measure which may be consistent with the constitution of the state and the constitution of the United States."

In the light of the experience of older states that have adopted direct legislation in state affairs, this statement seems superfluous. The provisions of the state constitutions which reserve direct legislative power to the people do not contemplate the restriction of initiative power in the legislature; the power constitutionally delegated to representatives to initiate measures or to repeal laws still remains. The people merely reserve the right to propose measures and to enact or reject

the same independent of the legislative assembly. For a discussion of this point, see *Kadderly v. Portland*, 44 Or. 118 (1903), and *Kiernan v. Portland*, (Supreme Court of Ore.) 112 Pac. 402 (Dec. 31, 1910.)

The initiative and referendum provisions of the Oklahoma Constitution were held valid, but not self-executing, by the Supreme Court of that state in *Ex parte Wagner*, 21 Okla. 33 (1908).

Comp. Laws, 1909, ch. 51, pp. 869—75, as amended by ch. 66, Laws, 1910, pp. 121—7 and by ch. 107, Session Laws, 1910—11, pp. 235—7. These acts carry into effect the initiative and referendum powers of the above constitutional provisions. They prescribe the forms of initiative and referendum petitions and provide for the verification of signatures. Provisions are made for judicial proceedings; the wording of the ballot; title of the measure; proclamation of the governor giving the substance of the measure and the date of the referendum vote thereon; the publication and distribution to all the voters of the state of a pamphlet containing the text of the measures to be voted upon and arguments for and against the same; resubmission for a measure receiving the greatest number of votes, if it has received more than one-third of the votes cast for and against both bills, in the case of competing measures both of which were defeated; the canvass and return of votes and proclamation by the governor declaring the result of the vote; and penalties for violation of this act.

The procedure prescribed is not mandatory, but if substantially followed is sufficient.

The publication and distribution of the text of proposed measures and of arguments favoring or opposing them as follows: Arguments shall be prepared for and

against each measure to be submitted to a vote of the people of the state, the length of arguments not to exceed 2,000 words for each side, of which one-fourth may be in answer to opponents' arguments. For one side the arguments shall be prepared by a joint committee of the house and senate, and for the other by a committee representing the petitioners. When the legislature submits a competing bill the argument against it is prepared by the committee that prepared the affirmative for the opposing bill. Where the legislature submits any other question the argument for the negative is prepared by a committee representing the members in the legislature who voted against the substance of the measure. The first part of each argument must be completed not later than two weeks after the governor's announcement of the submission of the measure. Twenty-five copies must be filed with the secretary of state who must at once deliver twenty-three copies to the chairman of the opposing committee. Each committee must file its answer within two weeks. In no case, however, shall the time be so great as to bring the completion of the argument nearer than 100 days before any regular election, or 40 days before any special election, at which the measure is to be voted upon. When the time for preparing the arguments is less than four weeks, it is divided equally between the two parties.

Before the primary election held prior to the general election, the secretary of state must forward to the county clerk pamphlets containing copies of the measures, arguments, official ballot, (and a table of contents) in sufficient numbers to supply all the voters in all the

counties of the state and an additional number equal to ten per cent of such number of voters. At the time of furnishing the primary election supplies, each county clerk must furnish each election inspector his quota for each precinct wherein a primary is to be held, and it is made the duty of the inspector to furnish every voter a copy of the pamphlet on the day of the primary election. All copies remaining must be preserved by the inspector and be by him distributed to electors who are unsupplied with same. Provision is also made for the distribution of pamphlets before a special referendum election.

When a citizen desires to circulate an initiative or referendum petition, such citizen must, before the petition is circulated or signed by electors, file a copy of the same in the office of the secretary of state, and within ninety days after the date of such filing, the original petition must be filed. No petition not filed in accordance with this provision can be considered. When the original petition is filed with the secretary of state, it shall be his duty forthwith to cause to be published in at least one newspaper, a notice setting forth the date of such filing. Within ten days any citizen by written notice to the secretary of state and of the parties who filed the petition, may protest against the same, at which time the secretary of state will hear testimony and argument for and against the sufficiency of such petition. He must decide whether the petition is in form as required by the statutes, and his decision is subject to appeal to the State Supreme Court.

If the legislature should desire to ascertain the sentiment of the people upon any proposed amendment to the constitution, it may, by concurrent resolution, suggest to the citizens of the state such proposition as an amendment to the constitution. Such resolution must set forth the proposed amendment in full, and should the citizens of the state proceed to initiate such proposition within one year thereafter, then it shall be the duty of the proper officials to submit the question to the people. Electors desiring to vote for an amendment submitted in this manner, and which was first suggested by concurrent resolution of the legislature, must leave the words "For the amendment," intact without erasing the same. Should he desire to vote against the amendment he must strike out the words, "For the amendment," with a pencil mark. When such words are so erased after any proposition, the ballot must be recorded as having been cast against the same, and whenever they are not so erased, such ballot must be recorded as having been voted for such proposition.

In connection with this last provision, see the article by L. J. Abbott, *Twentieth Century Magazine*, Nov. 1911, vol. 5, no. 1, pp. 38-40.

Oregon, Const. (Amend. 1902 and Amend. 1906) art. 4, secs. 1 and 1a. The initiative and referendum apply to statutory law and constitutional amendments.

Not more than 8% of the legal voters shall be required to propose any measure by initiative petition. Every such petition must include the full text of the measure proposed. Initiative petitions must be filed with the secretary of state not less than four months before the election at which they are to be voted upon.

Referendum petitions against any act or items, sections or parts of any act of the legislative assembly (except as to laws necessary for the immediate preservation of the public peace, health or safety) must be signed by 5% of the legal voters, and be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislature which passed the bill. The legislative assembly may order a referendum on any act. The veto power of the governor does not

All elections on measures referred to the people are had at the biennial regular general elections, except when the legislature orders a special election. Any measure referred to the people takes effect and becomes the law when it has been approved by a majority of the votes cast thereon.

The whole number of votes cast for justice of the supreme court at the regular election last preceding the filing of any petition for the initiative or for the referendum is the basis on which the number of legal voters necessary to sign such petition must be counted.

"The initiative and referendum amendment does not abolish or destroy the republican form of government or substitute another in its place. The representative character of the government still remains. The people have simply reserved to themselves a larger share of legislative power. * * *

"Under this amendment, it is true, the people may exercise a legislative power, and may, in effect, veto bills passed and approved by the legislature and the governor; but the legislative and executive departments are not destroyed * * * Laws proposed and enacted by the people under the initiative laws of the amendment are subject to the same constitutional limitations as other statutes, and may be amended or repealed by the legislature at will." *Kadderly v. Portland*, 44 Or. 118 (1903). See also, *State v. Pacific States Telephone and Telegraph Company*, 53 Or. 162 (1909); and same case, 32 Sup. Ct. Rep., 224 (1912).

And further see the exhaustive discussion of the subject in *Kiernan v. Portland*, 57 Or. 454 (1910). In delivering its opinion the court said: "It seems inconceivable that a state, merely because it may evolve a system by which its citizens become a branch of its legislative department, co-ordinate with their representatives in the legislature, loses caste as a republic."

Laws, 1907, ch. 226. This act facilitates the operation of the initiative and referendum powers reserved by the people, regulates elections thereunder, and provides penalties for violations. The law definitely prescribes the forms of initiative and referendum petitions; the manner of verifying signatures; the duties of officials in submitting measures; the method of canvassing and making returns; and the declaration of the enactment of approved measures. If two or more conflicting laws are approved by the people at the same election, the law receiving the greatest number of affirmative votes is paramount in all particulars as to which there is a conflict, even though it may not have received the greatest majority of affirmative votes. Similarly, in the case of conflicting constitutional amendments approved by the people at the same election.

The following definite provision is made for the publication and distribution of the text of proposed measures and for arguments advocating or opposing the questions submitted: Before any election at which any proposed law or amendment to the constitution is to be submitted to the people, the secretary of state is required to have printed in pamphlet form the text of each measure to be submitted, together with the title as it will appear on the official ballot. The person, committee or authorized officers of any organization

filing an initiative petition has the right to file any argument advocating such measures. Any person, committee or organization may file any arguments they may desire, opposing such measures. Similarly, arguments advocating or opposing any measures referred to the people by the legislature, or by referendum petition, may be filed by any person, committee or organization. The parties offering arguments for distribution must pay all the expenses for paper and printing to supply one copy with every copy of the measure to be printed by the state. The cost of printing, binding, and distributing the measures proposed, and of binding and distributing the arguments, are to be paid by the state as a part of the state printing. Within a specified time before any election at which measures are to be voted upon, the secretary of state is required to transmit copies of each measure together with the arguments submitted, to the voters within the state.

See *Stevens v. Benson*, 50 Or. 269 (1907); *Palmer v. Benson*, 50 Or. 277 (1907); and *Haines v. City of Forest Grove*, 54 Or. 443 (1909).

South Dakota. Const. (Amend., 1898) art. 3, sec. 1. Under this amendment the people expressly reserve the right to propose measures, which the legislature is required to enact and to submit to a vote of the electors. They also reserve the right to require a referendum on any law which the legislature may have enacted, except laws for the immediate preservation of the public peace, health or safety, and laws for the support of the state government and the existing public institutions.

Not more than 5% of the qualified voters are required to invoke either the initiative or the referendum. The total vote cast for governor at the last preceding general election shall be the basis upon which the 5% of the electors shall be determined.

Comp. Laws., 1908, vol. 1, Pol. Code, secs. 21—28. Initiative petitions must contain the substance of the law desired. Referendum petitions must describe the law to be submitted by setting forth the title together with the date of passage and approval; and such petitions must be filed within ninety days after the adjournment of the legislature. Initiative or referendum measures approved by a majority of the votes cast thereon become law and are to be in force immediately after the result has been officially determined. The veto power of the executive shall not be exercised as to measures referred to a vote of the people. Petitions shall be liberally construed so that the real intention of the petitioners may not be defeated by mere technicality. (Laws, 1899, ch. 93, as amended by ch. 166, Laws, 1907, and ch. 43, Laws, 1909).

The legislature having declared that an act is an emergency measure, such determination is final, and is conclusive upon the courts. See *State ex rel. Lavin et al. v. Bacon et al.*, 14 S. D. 394 (1901).

Texas. Laws, 1905, First called session, ch. 11, sec. 140. Under the primary election law, 10% of the voters in any political party may propose policies and secure a direct party vote thereon. Petitions are to be filed with the chairman of the county or precinct executive committee at least five days before the tickets

are to be printed and the chairman may require a sworn statement that the names of the applicants are genuine.

The number of signatures required for a petition is to be based upon the votes cast for the party nominee for governor at the preceding election. It is the duty of the chairman to submit any proposition for which a petition is filed, and the delegates selected at that time are to be "considered instructed for whichever proposition for which a majority of the votes are cast."

Utah. Const. (Amend., 1900), art. 6, secs. 1 and 22. This amendment provides for direct legislation, but the amendment is not self-executing, and six successive legislatures have refused to put it in force.

Washington. Const. (Amend., 1912) are. 2, sec. 1. This amendment provides for the initiative and referendum upon statutory law only. It does not apply to constitutional amendments.

Ten per cent, but in no case more than 50,000 of the legal voters shall be required to propose any measure by initiative petition, and every such petition must include the full text of the measure so proposed. Initiative petitions must be filed with the secretary of state not less than four months before the election at which they are to be voted on, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, they shall be submitted to the people at said election. If such petitions are filed not

less than ten days before any regular session of the legislature, they shall be transmitted to the legislature as soon as it convenes and organizes. Initiative measures take precedence over all other measures in the legislature except appropriation bills, and must be either enacted or rejected without change or amendment before the end of the regular session. If any such initiative measure is enacted by the legislature, it shall be subject to referendum petition, or it may be enacted or referred by the legislature to the people at the next regular election. If it is rejected by the legislature, or if no action upon it is taken by that body, the secretary of state must submit it to the people at the next regular general election.

The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject; and in such event, both measures must be submitted to the people. When conflicting measures are submitted to the people, the ballots must be so printed that a voter can express separately two preferences: viz., first as between either measure and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue is law.

The referendum may be ordered on any act, bill, law, or any part thereof, passed by the legislature, except such laws as are necessary for the immediate preservation of the public peace, health or safety or support of the state government and its existing public institutions, by 6% of the legal voters; but in no case shall more than 30,000 signers be required. The legis-

lature may order a referendum on any act. No act, law or bill subject to referendum takes effect until ninety days after the adjournment of the session at which it was enacted. No act, law or bill approved by the people can be amended or repealed by the legislature within a period of two years following such enactment, and during that time may only be repealed or amended by direct popular vote.

Referendum petitions must be filed with the secretary of state not later than ninety days after the final adjournment of the session of the legislature which passed the measure. The veto power of the governor does not extend to measures initiated by or referred to the people. All elections on measures referred to the people are had at the biennial regular elections, except when the legislature orders a special election.

Any measure initiated by, or referred to, the people takes effect and becomes the law if it is approved by a majority of the votes cast thereon, provided the vote cast upon such question or measure equals one-third of the total votes cast at such election. Measures approved by the people are in operation on and after the thirtieth day after the election. The whole number of electors who voted for governor at the regular gubernatorial election last preceding the filing of any petition for the initiative or for the referendum is the basis on which the number of legal voters necessary to sign such petition are counted.

This amendment is self-executing, but legislation may be enacted especially to facilitate its operation. The legislature is directed to provide methods of publicity upon all laws or parts of laws, and amendments

to the constitution referred to the people, with arguments for and against the same, so that each voter of the state may receive the publication at least fifty days before the election at which they are to be voted upon.

Wisconsin. (Proposed Const. Amend.) Laws, 1911, pp. 1142—5. This amendment must be repassed by the Legislature of 1913 before being submitted to the vote of the people. Any senator or member of the assembly may introduce in the house of which he is a member, at any time during any session of the legislature, any bill or any amendment to any such bill or any proposed amendment to the constitution or any amendment to any such proposed constitutional amendment; provided that the time for so introducing such measures may by rule be limited to not less than thirty legislative days. The chief clerk must make a record of such proposed measure and any amendment thereto, and have the same printed.

Any law or constitutional amendment so introduced in the legislature, and consisting of a bill or constitutional amendment which has been introduced in the legislature during the first legislative thirty days of the session, or, at the option of the petitioners, incorporating in itself any amendment or amendments introduced in the legislature, may be submitted to the voters by initiative petition. Initiative petitions for laws must recite the full text of the measure proposed, must be filed with the secretary of state not later than four months before the next general election, and must be signed by 8% of the qualified electors, of whom not more than one-half shall be residents of any one

county. Initiative petitions for constitutional amendments must be signed by 10% of the qualified electors, of whom not more than one-half shall be residents of any one county. Amendments to the constitution which have been regularly agreed to by a majority of the members elected to each of the two houses of the legislature, may be submitted to the people upon petition signed by 5% of the qualified electors, of whom not more than one-half shall be residents of any one county. The number of signatures required upon any petition shall be calculated upon the total number of votes cast for governor at the last preceding election.

Laws and amendments to the constitution so proposed by initiative petition and submitted to the voters, become law if approved by a majority of the electors voting thereon. Laws so adopted take effect from and after thirty days after the election at which they were approved; and constitutional amendments, from and after the election at which adopted.

No law enacted by the legislature, except an emergency law, takes effect before ninety days after its passage and publication. If within the said ninety days there is filed a petition signed by 8% of the qualified electors of the state, of whom not more than one-half are residents of any one county, to submit to a vote of the people such law or any part thereof, such law or such part thereof does not take effect until thirty days after its approval by a majority of the qualified electors voting thereon. An emergency law remains in force, notwithstanding a referendum petition, but stands repealed thirty days after being re-

jected by a majority of the qualified electors voting thereon.

An emergency law is defined as "any law declared by the legislature to be necessary for any immediate purpose by a two-thirds vote of the members of each house voting thereon, entered on their journals by the yeas and nays."

No law making any appropriation for maintaining the state government or maintaining or aiding any public institution, not exceeding the next previous appropriation for the same purpose, is subject to rejection or repeal under this section. The increase in any such appropriation only shall take effect as in case of other laws, and such increase, or any part thereof, specified in the petition may be referred to a vote of the people upon petition.

If measures which conflict with each other in any of their essential provisions are submitted at the same election, only the measure receiving the highest number of votes stands adopted by the people.

The vote for measures referred to the people must be taken at the next general election occurring not less than four months after the filing of the petition, and held generally throughout the state pursuant to law or specially called by the governor.

Except that measures specifically affecting a subdivision of the state may be submitted to the people of that subdivision, the legislature may submit measures to the people only as required by the constitution. The legislature is directed to provide for furnishing electors the texts of all measures to be voted upon by the people.

SUMMARY.

The leading provisions relating to the state-wide initiative and referendum may be summarized under five main headings, as follows: (I) the scope of the initiative and referendum, (II) procedure for initiative petitions, (III) procedure for referendum, (IV) enactment of referred measures, and (V) penalties.

I. SCOPE OF THE STATE-WIDE INITIATIVE AND REFERENDUM

In the United States the initiative and referendum have been applied to constitutional and statutory law; they have also been employed to obtain expressions of public opinion on state affairs, and to secure instructions as to party policy within political parties.

Constitutional Law.

The constitutional amendments for the initiative and referendum in state affairs apply generally to constitutional law.

Exceptions. Some of the states exempt constitutional amendments from the operation of the initiative.

See Mont. Const. (Amend. 1906), art. 5, sec. 1; Me. (Amend. 1908) Resolves, 1907, ch. 121, pp. 1476-1481; Wash. Const. (Amend. 1912), art 2, sec. 1; Idaho Const. (Amend. 1912) art. 3, sec. 1.

Statutory law.

As regards statutory law, some of the amendments provide for specific exceptions as to the use of the referendum, and nearly all provide for emergency measures.

Exceptions. The specific exceptions generally relate to appropriations for the current expenses of the state government, for the maintenance of the state institutions, and for the support of the public schools.

Acts calling elections are not subject to the referendum in Calif. Acts providing for tax levies are likewise excepted in Calif., and in Ohio.

Laws providing for the current expenses of the state government and state institutions can not be subjected to referendum vote in Ariz., Calif., Mo. or Ohio. See also, Colo. and Me. Appropriation laws, generally, were excepted in the Mont. and New Mex. provisions. Laws making appropriations for the expenses of the state government and existing state institutions are excepted from the referendum in Neb., S. D. and Wash. Laws making appropriations for the support of public schools are similarly excepted in Mo. and New Mex.

The proposed Wis. amendment provides that no law making any appropriation for maintaining the state government or maintaining or aiding any public institution, not exceeding the next previous appropriation for the same purpose, shall be subject to the referendum. The increase only in any such appropriation, or any part of such increase specified in the referendum petition, may be referred to a vote of the people.

Emergency measures. Laws necessary for the immediate preservation of the public peace, health, or safety, are generally exempt from the operation of the referendum.

See Ariz. Const. 1912, art. 4, part 1, sec. 1, par. 3; Ark. (Amend. 1910), Acts, 1909, pp. 1238-40; Calif. (Amend. 1911), art. 4, sec. 1; Colo. (Amend. 1910), art. 5, sec. 1; Me. (Amend. 1908), Resolves, 1907, ch. 121, pp. 1476-81; Mo. (Amend.

• 1908), art. 4, sec. 57; Mont. Const., (Amend. 1906) art. 5, sec. 1; Neb. Const. (Amend. 1912), art. 3, sec. 1 C; New Mex. Const., 1912, art. 4, sec. 1; Ohio Const. (Amend. 1912), art. 2, sec. 1d; Ore. Const. (Amend. 1902) art. 4, sec. 1; S. D. Const. (Amend. 1898) art. 3, sec. 1; Wash. Const. (Amend. 1912) art. 2, sec. 1b; and Wis. (Proposed Const. Amend.) Laws, 1911, pp. 1142-5.

A safeguard against the undue use of emergency measures is provided in some instances by requiring a declaration of the emergency and a two-thirds vote of all the members elected to each house, for the passage of such bills.

See the provisions of the Ariz., Calif., Me. and Ohio amendments.

For the passage of an "emergency" law the proposed Wis. amendment requires in each house a two-thirds vote of the members voting on such law, entered on the journals by the yeas and nays.

An additional safeguard against the abuse of the emergency clause by the legislature is attempted in one amendment by an enumeration of laws which may not be enacted as emergency measures.

Thus the Maine amendment provides that an emergency bill shall not include, (1) an infringement of the right of home-rule for municipalities; (2) a franchise or a license to a corporation or an individual to extend longer than one year; or (3) provision for the sale or purchase or renting for more than five years of real estate.

The courts have uniformly held that the question as to whether a law is necessary for the immediate preservation of the public peace, health, or safety, is for the legislature to decide and is not subject to judicial review.

See *State v. Bacon*, 14 S. D. 394 (1901); and *Kadderly v. Portland*, 44 Ore. 118, 146-51 (1903).

The proposed Wis. amendment provides that "An emergency law shall be any law declared by the legislature to be necessary for any immediate purpose by a two-thirds vote of the members of each house voting thereon, entered on their journals by the yeas and nays."

Public opinion laws.

Public opinion system. Under public opinion acts pressure may be brought to bear upon legislators in the enactment of laws.

See Ill. Rev. Stats., 1906, ch. 46, secs. 428-9, p. 967. (Laws, 1901, p. 198.)

Party policy laws.

Advisory system within the parties. The use of the advisory system within the parties at primary elections enables the voters in any political party to propose policies and secure a direct party vote thereon.

See Tex. Laws, 1905, First called session, ch. 11, sec. 140.

II. PROCEDURE FOR INITIATIVE MEASURES.

The procedure for initiative measures varies somewhat widely in the several states. Differences exist in the requirements for petitions, the transmission of measures to the legislature and the people, the provisions for competing bills, and the methods used to secure publicity for the bills and amendments initiated.

Requirements for initiative petitions.

The percentage of voters required to sign petitions, the basis of the percentage, the verification of signa-

tures, and the method of filing petitions, vary considerably with different states.

Percentage of voters. In the states whose people possess the initiative power, the percentages of voters required to sign initiative petitions vary from 5 to 20 per cent.

Laws. The percentages for laws are as follows: Ark., Colo., Okla., and Ore., 8 per cent. South Dakota requires only 5 per cent. Calif. requires 5 per cent for the indirect, and 8 per cent for the direct initiative. Mo. requires 5 per cent of the voters in each of at least two-thirds of the congressional districts. Mont. requires 8 per cent, and provides that two-fifths of the counties must each furnish as signers 8 per cent of the legal voters of such county. Ariz. requires 10 per cent, and Me. the fixed number of 12,000 of the voters. The percentage provided in the Nev. amendment is 10 per cent. In Wash., the amendment requires 10 per cent, but not over 50,000 voters. The Neb. amendment requires 10 per cent, so distributed as to include 5 per cent of the voters in each of two-fifths of the counties. The proposed amendment in Wis. requires 8 per cent, of whom not more than one-half shall be residents of any one county. In Ohio it is provided that 3 per cent of the voters (one-half of the counties each furnishing as signers $1\frac{1}{2}$ per cent of their electors) may by initiative petition submit a bill to the legislature. If the bill is not enacted without change by the legislature, or if unsatisfactory amendments are added, a supplementary petition signed by an additional 3 per cent of the voters is sufficient to require the placing of the measure on the ballot for submission directly to the people. In filing the supplementary petition the original measure may be petitioned for, or the original measure with any amendments adopted by either or both of the branches of the legislature.

Constitutional amendments. The percentage of legal voters required to sign initiative petitions to secure the submission of constitutional amendments is 8 per cent in Ark., Calif., Colo., and Ore.; 5 per cent in each of at least two-thirds of the congressional districts in Mo.; and 15 per cent in Ariz. and Okla. The form of initiative in the Mich. constitution requires that the number of petitioners "exceed 20 per cent." The percentage of voters made necessary by the Nev. amendment is 10 per

cent. Ten per cent so distributed as to include 5 per cent of the voters in each of two-fifths of the counties, is the requirement of the Neb. amendment. The proposed amendment in Wis. requires 10 per cent, not more than one-half of whom shall be residents of any one county, and further provides that any amendment to the constitution agreed to by a majority of the members elected to each of the two houses of the legislature may be submitted to the people upon a petition signed by five per cent of the qualified electors, distributed as above. The Ohio amendment requires 10 per cent of the electors of the state, one-half of the counties furnishing as signers 5 per cent of their respective qualified voters.

Basis of percentage. The percentage required is uniformly based upon the vote cast at the last preceding general election.

In Ariz., Ark., Calif., Mont., Neb., Ohio, S. D., and Wash. (and in the proposed amendment of Wis.) the percentage is based upon the vote for governor; in Mo., Ore., and Nev. upon the vote for justice of the Supreme Court; and in Colo. and Mich., upon the vote for secretary of state. In New Mex., the basis is "the total number of votes cast at the last preceding general election;" and in Okla., the vote for the state office receiving the highest number of votes.

Verification of signatures. The methods for verifying signatures are definitely prescribed in the laws enacted to facilitate the operation of the several amendments.

See Ark., Public Acts, 1911, pp. 582-93; Calif. Const. Amend. 1911; Colo. Const. Amend. 1910; Mo. Rev. Stats., 1909, secs. 6747-56; Mont. Rev. Codes 1907, pp. 27-33; Okla. Comp. Laws, 1909, ch. 51, pp. 869-75; S. D. Pol. Code, 1908, pp. 8-10 Laws, 1907, ch. 62). See also, the Ohio amendment.

Filing. Provision is generally made that initiative petitions be filed with the secretary of state. The time for filing varies according to whether the petition is

first to be presented to the legislature, or is to be submitted directly to the people without being first presented to the legislative assembly.

Time. Petitions must be filed not less than four months before the election in Ariz., Ark., Colo., Mo., Mont., Neb., Ore. and Wash. See also, the proposed amendment in Wis. The time is not less than thirty days before any regular session in Me. In Calif. initiative measures petitioned for by 8 per cent of the voters are voted upon at the next regular election occurring subsequent to ninety days after the filing of the petition, or at any prior special election called by the governor. Initiative petitions signed by 5 per cent of the voters may be filed for transmission to the legislature at any time not less than ten days before any regular legislative session. Under the Wash. amendment petitions may be filed not less than four months before the election, or not less than ten days before any regular session of the legislature. The Ohio amendment provides for filing initiative laws not less than ten days prior to the commencement of any session of the general assembly.

Transmission of measures to legislature and people.

Some of the initiative amendments provide for compulsory, and some for optional transmission of measures to the legislature. The object sought to be secured by this arrangement is the affording of an opportunity for expert investigation, for public hearings, for testimony, for debate and for legislative consideration. Provisions are included which require an initiative measure which has been rejected by the legislature, or not acted upon by it, or changed by amendment, to be submitted directly to the people.

The Maine initiative amendment of 1908 provides that any measure initiated by the people and transmitted to the legislature unless enacted without change at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute, or recommendation of the legis-

lature, and in such manner that the people can choose between the competing measures or reject both. If the measure initiated is enacted by the legislature without change, it does not go to a referendum vote, unless so demanded in the petition.

Under the Calif. amendment, laws and constitutional amendments petitioned for by the initiative by 8 per cent of the voters, are submitted directly to the people; while laws initiated by petitions signed by 5 per cent of the voters are transmitted to the legislature, and must be either enacted or rejected without change or amendment, within forty days from the time received by the legislature. If such proposed law is enacted by the legislature it is subject to the referendum. If it is rejected, or not acted upon within forty days, the secretary of state must submit it to the people at the next general election. The legislature may reject any measure so initiated and propose a different one on the same subject; and in such event both measures must be submitted to the people.

The Nev. amendment provides that initiative measures be presented to the legislature, and that they take precedence over all measures of the legislature except appropriation bills. The further provisions of this amendment, relative to the enactment or rejection of initiative measures within forty days, and to possible competing measures, are the same as those of Calif.

Under the Wash. amendment, initiative measures may be submitted directly to the people or transmitted first to the legislature. Initiative petitions filed at least four months before the election are submitted directly to the people; those filed not less than ten days before a regular legislative session are presented to the legislature. Such an initiative measure takes precedence over all but appropriation bills in the legislature and must be either enacted or rejected without change before the end of the session. If enacted, it is subject to the referendum. If rejected or not acted upon, it must be submitted to the people. The legislature may reject an initiative measure and propose a different one on the same subject, both measures being submitted to the voters. This Wash. amendment, however, provides that when conflicting measures are so submitted to the people the ballots shall be so printed that a voter shall be asked to express separately two preferences; first, as between either measure and neither, and next, as between one and the other. If a majority of those voting on the first proposition is for neither, both fail; if a majority is for either, the measure receiving a majority of votes on the second preference vote is law. It has been urged in objection

to this form of submission that it does not clearly and adequately present the matter to the people, in that voters who favor one measure and oppose the competing one, because of features objectionable to them in the alternative measure may be forced upon the first preference question to vote for "Neither" measure, and so against both.

The initiative provision in the S. D. constitution provides that "the people expressly reserve to themselves the right to propose measures, which measures the legislature shall enact and submit to a vote of the electors of the state."

Under the Ohio amendment, amendments to the constitution may be submitted directly to the voters upon initiative petitions signed by 10 per cent of the electors, one-half of the counties furnishing as signers 5 per cent of the voters of such counties. Laws may be initiated and presented to the legislature by petitions signed by 3 per cent of the voters ($1\frac{1}{2}$ per cent of those of each of one half of the counties signing such petition). If the legislature refuses to act, or if amendments are added, an additional 3 per cent of the electors may petition and have a vote upon the original form, or upon the original measure with any of the amendments adopted by either or both of the houses of the legislature.

The proposed amendment in Wis. provides that any bill or constitutional amendment which has been introduced by a member in the legislature during the first thirty legislative days, together with any amendment or amendments introduced in the legislature may be submitted by initiative petition to the people of the state for their approval or rejection. Initiative petitions for laws require 8 per cent of the voters, not more than one half of whom shall be residents of any one county, and petitions for constitutional amendments require 10 per cent, distributed as above. If measures which conflict with each other in any of their essential provisions are submitted at the same election, only the measure receiving the highest number of votes shall stand as the enactment of the people. Any proposed constitutional amendment agreed to by a majority of the members elected to each of the two houses of the legislature at one session, may be submitted to the voters by initiative petition signed by 5 per cent of the qualified electors (not more than one-half of whom shall be residents of any one county).

Provision for competing bills.

An important feature in initiative provisions in several states is that permitting the legislature to submit

a competing bill, if it disapproves of the initiative measure. This affords opportunity for legislative consideration of conflicting measures, and gives the people a choice between the initiated bill and the one submitted by the legislature.

Note the Me., Calif., Nev. and Wash. provisions. See also, Ohio, and the pending amendment in Wis. (All summarized briefly above.)

Competing bills must be submitted with initiative measures, so that the electors may vote upon each separately and choose between them, or reject both.

See Calif. (Amend. 1911); Me. (Amend. 1908); and Nev. (Amend. 1912). See brief summaries of the provisions of these (and the Ohio and Wash. amendments, and the proposed Wis. amendment), above.

The constitutions of a number of the states provide that if two or more conflicting measures or amendments to the constitution shall be approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is conflict.

See Ariz. Const., art. 4, sec. 1, par. 12; Calif. Const., art. 4, sec. 1; Neb. Const., art. 3, sec. 1A; and Nev. Const., art. 19, sec. 3.

The proposed Wis. amendment provides that if measures which conflict with each other "in any of their essential provisions" are submitted at the same election, only the measure receiving the highest number of votes shall stand as the enactment of the people; and similarly as to conflicting constitutional amendments.

Publicity for measures.

Publicity is sought to be secured for bills and constitutional amendments submitted under the initiative and referendum powers of the several states, by a

number of different methods. Some of these provide simply for the publication of the texts of the measures to be voted upon; some, for the distribution of copies of the measures to the voters; and some, for the distribution of copies of the measures together with arguments thereon.

Publication of text of measure. Many of the states require the publication of the full text of initiative and referendum measures.

See the provisions of Ariz., Ark. and Colo. See also, Mich. and Nev.

Ariz., Ark. and Colo. require publication in at least one newspaper in each county where a newspaper is published. The required length of time of such publication in each state is as follows: Ariz., 90 days; Ark., 30 days; Colo., three months.

Distribution of copies of measures. The proposed Wisconsin amendments directs the legislature to provide for furnishing electors with the texts of all measures and constitutional amendments to be voted upon by the people.

Distribution of copies of measures and arguments thereon. The distribution of copies of the measures to be voted upon, together with the arguments thereon, is provided for in five states; viz., California, Montana, Ohio, Oklahoma and Oregon. The Wash. constitutional amendment (1912) directs the legislature of that state to make similar provisions.

The California amendment of 1911 requires that "until otherwise provided by law," all measures submitted to the people be printed, and together with arguments for and against each such measure by the proponents and opponents thereof, be

mailed to each voter. "The persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the senate."

Montana (in its Rev. Codes, 1907, vol. 1, part 3, title 1, ch. 2, art 10, sec. 112) makes detailed provision for the printing of measures and the distribution of pamphlets for and against such measures. The secretary of state must cause to be printed in pamphlet form the texts of the measures. The persons, committees, or duly authorized officers of any organization filing any initiative petition have the right to place with the secretary of state for distribution pamphlets advocating such measures; and any person, committee or organization opposing any measure may similarly place for distribution pamphlets opposing it. Pamphlets advocating or opposing any measure referred to the people by the legislature may be placed with the secretary of state by any person, committee, or organization. All pamphlets containing arguments must be furnished to the secretary of state at the sole expense of the persons interested, and without cost to the state. Sufficient pamphlets must be furnished to supply one to every legal voter in the state. The secretary of state must bind in one copy of each of said argument pamphlets with his copy of the measures, and distribute to each county clerk a sufficient number to furnish one copy to each voter in his county. The county clerk is then required to mail to each registered voter a copy of the complete pamphlet.

The Ohio constitution, art. 2, sec. 1g (Amend. of 1912) provides that a copy of all laws or proposed laws or proposed constitutional amendments, together with an argument or explanation, or both, for, and an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument against any law, section or item, submitted to the electors by referendum petition, may be named in such petition, and the person or persons who prepare the argument for any proposed law or amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument for the law, section or item, submitted to the electors by referendum petition, or against any proposed law submitted by supplementary initiative petition, shall be named by the general assembly, if in session, and if not in session, then by the governor. The secretary of state shall cause to be printed the law, or proposed law, or proposed constitutional amendment, together with the arguments and explanations not exceeding a total of 300 words for each, and the arguments and explanations not exceeding 300 words against each, and shall mail,

or otherwise distribute, a copy of such law, or proposed law, or proposed constitutional amendment, together with such arguments and explanations for and against the same "to each of the electors of the state, as far as may be reasonably possible."

Under the Oklahoma law, pamphlet copies of the measures to be voted upon, and arguments thereon, are printed and distributed to the people. Arguments are not to exceed 2,000 words for each side. One-fourth may be in answer to opponents' arguments. For one side the arguments shall be prepared by a joint committee of the House and the Senate and for the other by a committee representing the petitioners. Where the legislature submits a competing bill the arguments against it shall be prepared by the committee that prepared the affirmative of the opposing bill. In case the legislature submits any other question the negative argument shall be prepared by a committee representing the members in the legislature who voted against the substance of the measure. Provision is made as to the time for filing arguments and replies. Before the primary election held prior to the general election at which a measure is to be submitted to the people, the secretary of state must forward to the county clerk of each county a sufficient number of copies of the texts of the measures, and pamphlet copies of the arguments and the ballot titles, to supply each and every voter in his county, and an additional number equal to 10 per cent of such number of votes. The county clerk at the time of furnishing the primary election supplies must furnish each election inspector his quota for each precinct, and the said inspector must furnish each and every voter on said primary election day a copy of the pamphlet. All copies of such pamphlets remaining after the primary election shall be preserved by the inspector and be by him distributed to electors who are unsupplied with them. Provisions are also made in the case of measures to be voted upon at special elections (See Okla. Laws, 1907-8, ch. 44, secs. 9-13.)

Under the Oregon law (Laws 1907, ch. 226, sec 8) not later than the first Monday of the third month before any regular general election, not later than 30 days before any special election, at which any proposed law or amendment to the constitution is to be voted upon, the secretary of state shall cause to be printed in pamphlet form a copy of the title and text of each measure to be submitted, with the number and form in which the ballot title thereof will be printed on the official ballot. The person, committee, or duly authorized of-

ficers of any organization filing an initiative petition, (but no other person or organization), shall have the right to file with the secretary of state for printing and publication any argument advocating such measure; said argument to be filed not later than the first Monday of the fourth month before the election. Any one may file any arguments they may desire, opposing any measure, not later than the fourth Monday of the fourth month immediately preceding the election. Arguments advocating or opposing any measure referred by the legislature, or by referendum petition, at a regular election, shall be governed by the same rules as to time, but may be filed by any person, committee or organization. In the case of measures submitted at a special election, all arguments in support of such measures must be filed at least 60 days before such election.

In every case the person or persons offering such arguments for printing and distribution shall pay to the secretary of state sufficient money to pay all expenses for paper and printing to supply one copy with every copy of the measure to be printed by the state. The secretary of state shall cause one copy of each of said arguments to be bound in the pamphlet copy of the measures, and all such measures and arguments to be submitted at one election shall be bound together in a single pamphlet. All printing shall be done by the state. The pages of the pamphlet are required to be six by nine inches in size, and the printed matter thereof set in 8-point Roman-faced type, single leaded, and 25 ems in width, with appropriate heads, and printed on sized and super-calendered paper 25 by 38 inches, weighing 50 pounds to the ream. The title page of every measure bound in the pamphlet must show its ballot title and ballot numbers, and the title page of each argument must show the measure or measures it favors or opposes and by what persons or organizations it is issued. The cost of printing, binding and distributing the measures proposed, and of binding and of distributing the arguments, shall be paid by the state as a part of the state printing; it being intended that only the cost of paper and printing the arguments shall be paid by the parties presenting the same. Not later than the fifty-fifth day before the regular general election at which such measures are to be voted upon, the secretary of state must transmit by mail, with postage fully prepaid, to every voter in the state whose address he may have, one copy of such pamphlet. In the case of a special election he must mail said pamphlet to every voter not less than twenty days before such special election.

The Wash. constitutional amendment (1912) art. 2, sec. 1 (d) directs the legislature to provide methods of publicity of all laws or parts of laws, and amendments to the constitution referred to the people, with arguments for and against the laws and amendments so referred, "so that each voter of the state shall receive the publication at least 50 days before the election at which they are to be voted upon."

III. PROCEDURE FOR REFERENDUM.

Measures may be referred either by petition or by legislative action.

Reference by petition.

The requirements for reference by petition vary both as to the percentage of voters required and the manner of filing petitions.

Percentage of Voters.

In the states having the referendum in force the required percentages range from 5% to 25%. The usual percentage is 5% of the legal voters of the state.

The percentages are 5 per cent in Ariz., Ark., Calif., Colo., Mont., Okla., Ore. and S. D., while Nev. requires 10%. The Mo. requirement is 5 per cent of the voters in each of at least two-thirds of the congressional districts, and Mont., requires that the referendum petition be signed by 5% of the voters of the state, provided that two-fifths of the counties each furnish as signers 5% of the legal voters in such county. Maine requires the fixed number of 10,000 signatures.

Mont. has a provision that any measure referred to the people is to remain in full force unless the petition is signed by 15 per cent of the legal voters of a majority of the whole number of counties of the state, in which case the law remains inoperative until it is passed upon at an election and the result is officially determined.

The Ohio amendment requires 6 per cent of the electors of the state (each of one-half of the counties furnishing as signers 3% of its voters); and the Wash. amendment requires 6 per cent, but in no case more than 30,000 of the voters. The

amendment proposed in Wis., requires 8 per cent. Under the New Mex. constitution referendum petitions must be signed by not less than 10 per cent of the qualified electors of each of three-fourths of the counties, and in the aggregate by not less than 10 per cent of the qualified electors of the state. Such a petition, however, does not suspend the operation of the law referred. In order to suspend the operation of an act, the petition must be signed by at least 25 per cent of the qualified voters under the foregoing conditions. The Neb. amendment makes necessary the signatures of ten per cent of the voters of the state so distributed as to include 5 per cent of the voters in each of two-fifths of the counties of the state.

Basis of percentage.

The basis of the required percentage is the same as for initiative petitions.

Filing.

Petitions are to be filed with the secretary of state within a specified time.

Time. Referendum petitions must be filed not later than ninety days after the close of the legislative session in Ariz., Ark., Colo., Mo., Okla., and Ore., and within ninety days after the session in Calif., Me., and S. D.; not later than six months after the session in Mont., and not less than four months before the general election in Nev. Referendum petitions signed by 10 per cent of the voters in New Mex. may be filed at any time after the legislative session not less than four months prior to the next general election. A petition signed by not less than 25 per cent of the voters, and intended to suspend the operation of the act referred, must be filed within ninety days after the final adjournment of the session. The Wash. amendment requires referendum petitions to be filed not later than ninety days after the legislative session enacting the act upon which the referendum is demanded; and the Neb. and Ohio amendments and the proposed Wis. amendment, within ninety days after the session.

Reference by legislative action.

Legislatures in many states are expressly authorized to enact measures conditioned upon their approval by the people, on a referendum vote.

Compare the constitutional provisions of Ariz., Ark., Colo., Me., Mich., Mo., Mont., Okla., Ore., and Wash.

Duty of officials.

In submitting initiative and referendum petitions to a vote of the people, the secretary of state and all other officers shall be guided by the general laws until legislation is especially provided.

Compare the provisions of Ark., Calif., Colo., Me., Mo., Mont., Ore., Neb., and Wash.

IV. ENACTMENT OF REFERRED MEASURES.

Elections for submission of measures.

Measures may be referred for enactment or rejection at general or at special elections.

General Elections. The S. D. statute, and the Colo. amendment and the Ariz. and New Mex. constitutions provide for the submission of measures at general elections only.

Special elections. Special elections may be ordered by the legislature in Ark., Mo., Mont., Ore., and Wash.; and by the legislature or governor in Okla. and Maine. (Under the Maine provision the governor must order a special election if so requested in the petition. In Calif., the governor may, in his discretion, call a special election. Special elections may also be called by the governor under the proposed Wis. amendment.

Veto power.

The veto power of the governor does not extend to measures referred to the people.

See Ariz., Ark., Calif., Colo., Me., Mo., Mont., Neb., Okla., Ore., S. D. and Wash.

The Maine amendment requires that if any measure initiated by the people and passed by the legislature without change, is vetoed by the governor, and his veto is sustained by the legislature, the measure must be referred to the people at the next general election.

When operative.

The amendments of the several states generally provide that any measure referred to a vote of the people becomes a law and is in force from the date of its approval by a majority of the votes cast thereon, or from the date of the official declaration that it has been so approved.

See Ariz., Ark., Colo., Mo., Mont., Nev., Ore., S. D. (statute).

In Calif., a measure approved by a majority of the votes cast thereon takes effect five days after the date of the official declaration of the vote by the secretary of state. The Maine amendment provides that any measure approved by a majority of the votes given thereon shall, unless a later date is specified in the measure, take effect thirty days after the proclamation of the governor giving the result of the vote.

In Okla., initiative measures must be approved by a majority of the votes cast at the election.

In Maine and Nev. provision is made that initiative measures enacted by the legislature without change, are not to be referred unless a referendum vote is demanded. In Me., when initiative and competing bills are submitted at the same election and neither receives a majority of the votes given for or against both, the one receiving the most votes is to be resubmitted by itself; but no measure is to be resubmitted unless it received more than one-third of the votes given for and against both.

Under the Nev. amendment, if conflicting measures submitted at the same election are both approved by the majority severally cast for and against each, the one receiving the highest number of affirmative votes becomes a law as to all conflicting provisions.

The New Mex. referendum provision requires that in order to defeat a measure so referred there must be an adverse majority of the votes cast thereon, which negative vote must be not less than forty per cent of the total number of votes cast at the election.

The Wash. amendment provides that a measure submitted to the vote of the people becomes the law if approved by a majority of the votes cast thereon, if the total vote cast upon such measure equals one-third of the votes cast at the election.

The Neb. amendment requires the favorable vote of a maj

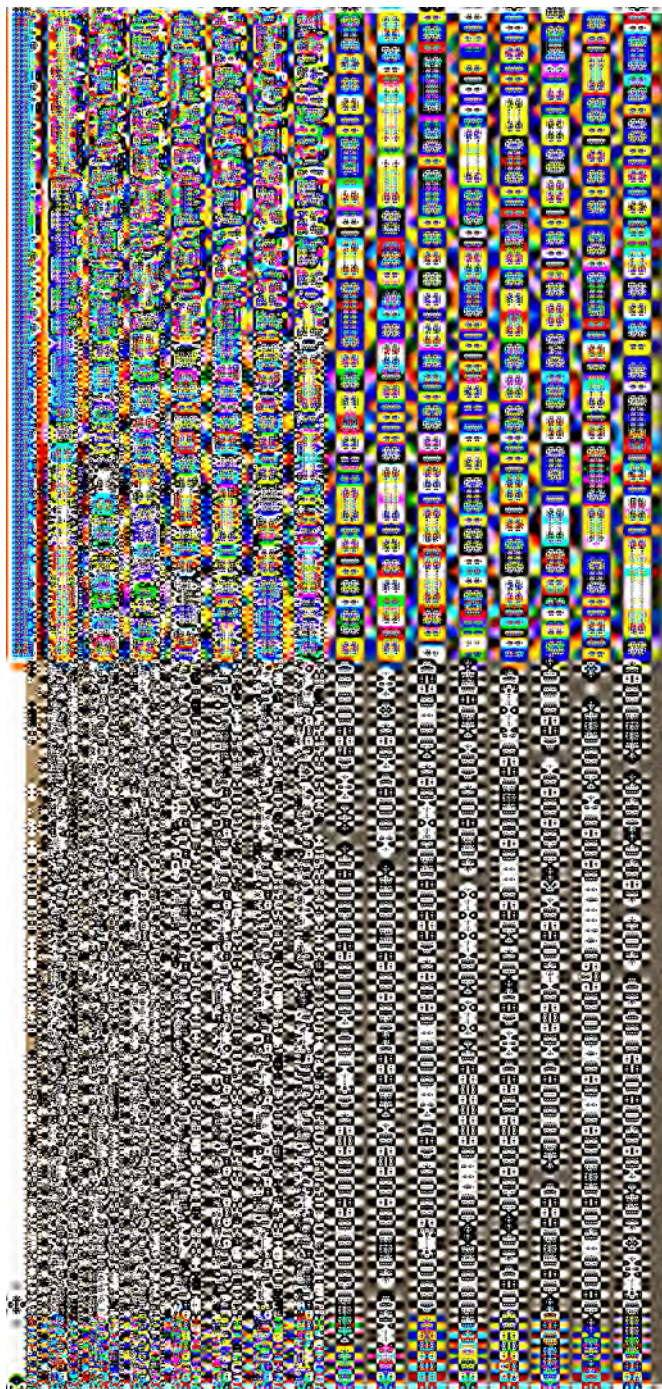
ority of those voting on a measure, provided the votes cast in favor of such measure constitute thirty-five per cent of the total vote cast at the election.

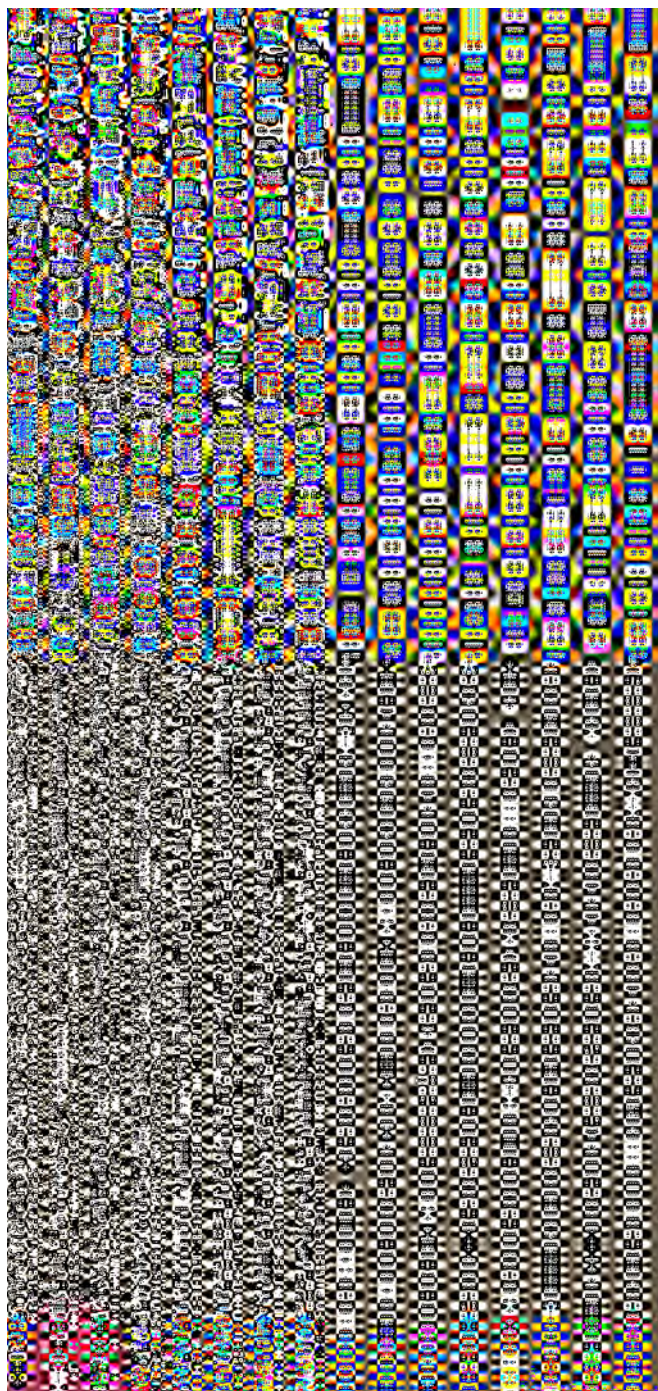
V. PENALTIES.

The laws enacted to facilitate the operation of the initiative and referendum amendments provide penalties for the unlawful signing of petitions.

In Me., Mont., Okla., Ore., and S. D., the unlawful signing of initiative or referendum petitions is punishable by fine, or by imprisonment or both, in the discretion of the court. In S. D. Comp. Laws, 1908, vol. 1, Pol. Code, secs. 21-28 (Laws, 1899, c. 93) the fine is not to exceed \$500.00 nor the imprisonment five years. In Mo. (Rev. Stats., 1909, sec. 6755), Mont. Laws (1907, ch. 226, sec. 13) the fine is fixed at the same limit and the imprisonment in the penitentiary is not to exceed two years. In Ark. (Public Acts, 1911, p. 582) the punishment is made imprisonment in the penitentiary for not less than one year, nor more than five years.







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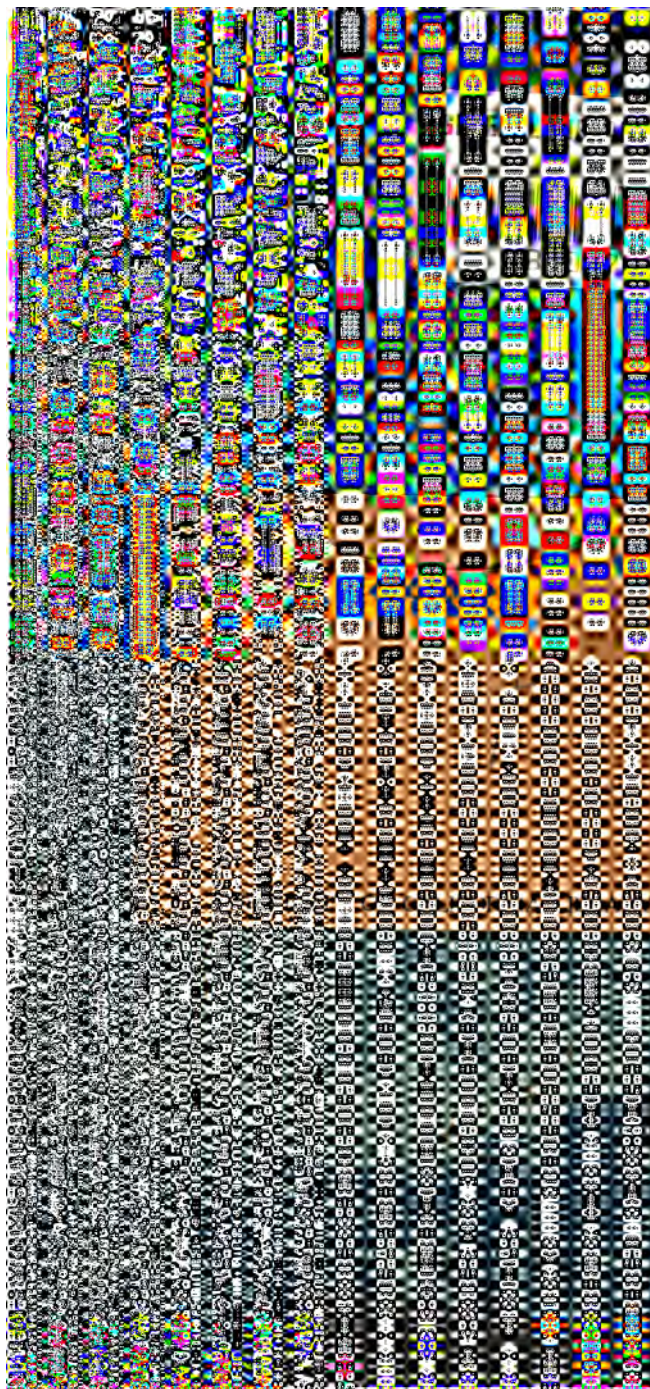
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